

April 17, 2018

Summary of April 5-6, 2018, Board Meeting

This is a summary of the April 5-6, 2018, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 116 cases.

New Investigative Cases: The Board reviewed 72 new investigative cases.

Termination Order: The Board may issue a Termination Order when a physician successfully completes the requirements of a disciplinary order including the terms of probation.

The Board approved 2 Termination Orders.

1. An Iowa-licensed physician who practices psychiatry in Coralville, Iowa, had the terms of an order terminated by the Board on April 5, 2018. On June 3, 2011, the Board charged the physician with engaging in a sexual relationship with a female mental health patient he was treating. On July 28, 2011, the physician entered into a Settlement Agreement with the Board and the Board indefinitely suspended the physician's Iowa medical license, issued him a Citation and Warning and ordered him to pay a \$7,500 civil penalty. On April 17, 2014, the Board reinstated the physician's Iowa medical license after determining that the physician successfully completed a Board-approved comprehensive professional sexual misconduct evaluation; successfully completed Board-approved cognitive behavioral therapy; successfully completed a Board-approved professional boundaries program; and participated in counseling between June 2012 and April 2014. The Board ordered the physician to have a female healthcare professional chaperone continually present when treating female patients. The Board also placed the physician on indefinite probation subject to Board monitoring; a Board-approved group practice setting; professional ethics training; polygraph examinations; staff surveillance forms; patient satisfaction surveys; Board-approved psychiatric treatment; Board-approved counseling; a physician mentor; quarterly reports; and Board appearances. Recently, the physician submitted a request to terminate the terms of the Reinstatement Order. On April 5, 2018, the Board voted to terminate the terms of the April 17, 2014, Reinstatement Order. The Board determined that the physician has fully complied with the terms of the Reinstatement Order and does not pose a risk to patients or the public. The physician's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

2. An Iowa-licensed physician who practices family medicine in Mount Pleasant, Iowa, had the terms of an order terminated by the Board on April 5, 2018. On April 19, 2012, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board alleged that the physician failed to provide appropriate obstetrical care to a female patient in Mount Pleasant, Iowa, in December 2007. The Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The physician also completed a Board-approved education program for advanced obstetrical care and submitted a written corrective action plan to the Board. On September 21, 2012, the Board terminated the terms of the order. On January 11, 2013, the Board ordered the physician to complete a comprehensive clinical competency evaluation. The physician completed the evaluation on March 22, 2013, and the evaluation program concluded that the physician demonstrated areas of educational need and recommended that he participate in a structured, individualized education program. On October 25, 2013, the physician entered into a new combined Statement of Charges and Settlement Agreement with the Board. The Board alleged that the physician failed to appropriately diagnose and treat a patient with a ruptured appendix. The Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The Board also placed the physician on probation for a period of five years subject to Board monitoring, including a structured, individualized education program and a Board-approved practice monitoring plan. Recently, the physician submitted a request to terminate the terms of the October 25, 2013, combined Statement of Charges and Settlement Agreement. On April 5, 2018, the Board voted to terminate the terms of the October 25, 2013, combined Statement of Charges and Settlement Agreement. The Board determined that the physician paid the \$2,500 civil penalty; successfully completed the structured, individualized education program; successfully completed the Board-approved practice monitoring plan; and fully complied with the terms of his probation, including Board monitoring. The physician's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

Confidential Evaluation Order: The Board may issue a confidential evaluation order requiring a licensee to complete a Board-approved evaluation if the Board determines that a licensee suffers from substance abuse; a mental health condition; a physical condition; has engaged in sexual misconduct or unprofessional conduct or has demonstrated evidence of professional incompetence.

The Board issued 2 Confidential Evaluation Orders due to the following concerns:

1. Concerns that a physician demonstrated evidence of professional incompetence, including failure to provide appropriate medical care to multiple patients.
2. Concerns that a physician engaged in a pattern of improper prescribing, unprofessional conduct, sexual misconduct and/or sexual harassment.

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 about a physician's management of a high-risk pregnancy during labor and delivery.
2. Concerns about a physician's workup and treatment of a patient who suffered a heart attack.
3. Concerns about a physician's improper placement of a peripheral inserted central catheter (PICC) line.
4. Concerns about a physician's delayed diagnosis and treatment of a patient with lung cancer.
5. Concerns that a physician was charged with domestic abuse after a physical altercation with their spouse.
6. Concerns that a physician prescribed medications to himself, a member of his family and others without performing appropriate examinations and without maintaining appropriate medical records.
7. Concerns about a physician's management of the labor and delivery of a patient who experienced fetal distress.
8. Concerns about a physician's delayed surgical treatment of a high-risk patient with concerning symptoms.
9. Concerns about a physician's postoperative management of a high-risk patient who underwent gastric bypass surgery.
10. Concerns that a physician failed to submit proof of completion of the continuing medical education (CME) required for renewal of their Iowa medical license in a timely manner.
11. Concerns about a physician's surgical treatment of multiple patients while practicing surgery in another state.
12. Concerns that a physician shared a patient's personal health information with an individual who accompanied the patient in the emergency department.
13. Concerns that a physician failed to complete the continuing medical education (CME) required for renewal of their Iowa medical license and that the physician failed to respond to a Board CME audit in a timely manner.
14. Concerns about a physician's management of a patient who experienced a hematoma and infection following a cesarean-section delivery.
15. Concerns that a physician signed a prescription that had been completed by a physician-colleague without examining the patient and without maintaining appropriate medical records.

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

The Committee reviewed 7 physicians who are being monitored by the Board and held 2 appearances.

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

The Committee reviewed 29 cases and closed 29 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 committee review. However, some applications raise concerns about an applicant and the committee must review the matter to determine whether a license should be granted, renewed or reinstated.

Committee Work: The committee reviewed 5 license applications. Two permanent licenses were granted and 2 applications for permanent licensure were left open for additional information or to allow the applicant to withdraw. One permanent license application had a corresponding petition for waiver which required review and vote by the full board.

The committee recommended the Board grant a request for waiver of Iowa Administrative Code 653-9.3(1)c(3) which defines approved postgraduate training as those programs accredited by Accreditation Council for Graduate Medical Education, American Osteopathic Association, Royal College of Physicians and Surgeons of Canada, and the College of Family Physicians of Canada. The applicant completed 1 year of accredited training and 36 months of non-accredited fellowship training. The Board approved the committee's recommendation.

The committee approved issuance of 4 Letters of Warning to address concerns that the applicants failed to provide truthful, accurate or complete information on the applications or to express concerns about an applicants past behaviors.

The committee reviewed a draft of a digital renewal card that is intended to replace the mailing of the card, which is to be displayed in conjunction with the original license certificate. The digital renewal card will be emailed at the time of renewal and will also be available for download and reprinting via the physician's Online Services account. The Board renews approximately 5,500 licenses each year and this will be a more cost effective and efficient way to distribute the cards.

In other action the Board:

- Received a report from the Iowa Physician Health Committee concerning a physician who was not in compliance with his contract to participate in the Iowa Physician Health Program. The Board accepted the committee's recommendation that the physician is allowed to remain in the program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. The program had 45 participants and 11 in the review process on April 1, 2018.
- Received a report from the Iowa Attorney General's Office on two cases: The Board's issuance of a confidential Letter of Warning on November 29, 2017, to Mark B. Irland, M.D., of Grinnell; and a lawsuit filed by Richard M. Fleming, M.D., against the State of Iowa and the Board over a public disciplinary action taken in 2012 against Dr. Fleming.
- Elected officers, effective May 1, 2018: Kyle Ulveling, M.D., of Carroll, chair; KellyAnn Light-McGroary, M.D., of Solon, vice chair; and Diane Cortese of Urbandale, secretary.
- Recognized Charles Wadle, D.O., of West Des Moines, whose term on the Board will end on April 30, 2018. He did not seek reappointment. He will be succeeded by Philip Bear, D.O., of West Des Moines.
- Approved the meeting schedule for 2019: February 7-8, April 11-12, June 13-14, August 1-2, September 19-20, October 31-November 1, and December 19-20. The Board's scheduled teleconferences for 2019 are January 10, March 14, May 9, July 11, August 29, and November 26.
- Granted a petition to waive administrative rule 653 IAC 13.8(1), which concerns the standards of practice for physicians who serve as medical director and delegate and supervise the performance of medical aesthetic services performed at a medical spa in Iowa. The Petitioners, Ariane and Garen Carpenter, requested authorization to use lasers in the performance of medical aesthetic services at Aria Medical Spa in Tiffin, Iowa, under the supervision of a qualified supervising physician even though they are not licensed or certified by another licensing board in Iowa. The Board initially reviewed the petition during a teleconference on March 8, 2018, and permitted the Petitioners to provide additional information and meet with the Board at a meeting on April 6, 2018. The Board granted the petition after determining that the Petitioners' extensive training in the safe and effective use of lasers in the performance of medical aesthetic services ensures the protection of the public health, safety and welfare.
- Recommended that Governor Reynolds appoint Ronald Cheney, D.O., of Carroll as an alternate member of the Board. Dr. Cheney served on the Board from May 1, 2014, to April 30, 2017. Alternate members are used for contested case hearings when a quorum of the Board is not available.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on April 11, 2018. If you have any questions about this summary or the press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.