

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LYNETTE I. ILES, M.D., RESPONDENT

FILE NOS. 02-2016-352 & 02-2019-554

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on July 23, 2021, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license MD-30293 on November 9, 1994. Respondent's Iowa medical license is active and restricted and will next expire on May 1, 2022.

A. TIME, PLACE AND NATURE OF HEARING

1. **Hearing.** A contested case hearing shall be held on **August 19, 2021, at 8:30 am CST** in this matter before the Iowa Board of Medicine. The hearing shall be held in a conference room at the Iowa Board of Medicine office at 400 S.W. 8th Street, Ste. C, Des Moines, IA 50309. The Board has requested the assistance of an Administrative Law Judge from the Iowa Department of Inspections and Appeals to assist with this hearing.

2. **Answer.** Within **twenty (20) days** of the date you are served this Notice of Hearing you are required by Iowa Administrative Code rule 653—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 hearing.

4. **Hearing Procedures.** The procedural rules governing the conduct of the hearing are found at Iowa Administrative Code rule chapter 653—25. At the 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 Iowa Administrative Code rule 653—25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. **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: Anagha Dixit, Assistant Attorney General, Hoover State Office Building, 2nd Floor, Iowa Attorney General's Office, 1305 E. Walnut Street, Des Moines, IA 50319.

6. **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 Joseph Fraioli, J.D., Director of Legal Affairs, at (515) 281-3614 or joseph.fraioli@Iowa.gov, or Assistant Attorney General Anagha

Dixit at (515) 281-5478 or anagha.dixit@ag.iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

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

8. **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, and Iowa Administrative Code rule 653—25.25.

9. **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 Iowa Administrative Code rule 653—25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. **Professional Incompetency:** Respondent is charged pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and (i), and 272C.10(2) and Iowa Administrative Code rules 653—23.1(2)(a)–(g), with professional incompetency. Demonstrating one or more of the following constitutes professional incompetency:

- a.* Willful or repeated gross malpractice;
- b.* Willful or gross negligence;
- c.* A substantial lack of knowledge or ability to discharge professional obligations within the scope of the physician's or surgeon's practice;

- d.* A substantial deviation by the physician from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;
- e.* A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances;
- f.* A willful or repeated departure from or the failure to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery or osteopathic medicine and surgery in the state of Iowa;
- g.* Failure to meet the acceptable and prevailing standard of care when delegating or supervising medical services provided by another physician, health care practitioner, or other individual who is collaborating with or acting as an agent, associate, or employee of the physician responsible for the patient's care, whether or not injury results.

COUNT II

11. **Failure to Comply with Board Subpoena:** Respondent is charged pursuant to Iowa Code sections 147.55(8) and 148.6(2)(h) and Iowa Administrative Code rule 653—23.1(26) with failing to comply with a Board issued subpoena.

COUNT III

12. **Failure to Comply with Board Investigation:** Respondent is charged pursuant to Iowa Code sections 147.55(8) and 148.6(2)(h) and Iowa Administrative Code rule 653—23.1(38) with failing to comply with a Board investigation.

D. STATEMENT OF THE MATTERS ASSERTED

13. **Practice Setting.** Respondent is an Iowa licensed physician who practices family medicine in Washington, Iowa.

14. **Allegations.** A short and plain Statement of the Matters Asserted was reviewed and approved by the Board at the time this Statement of Charges was filed. A Statement of the Matters Asserted shall be furnished to Respondent as an attachment to this Statement of Charges. However, the Statement of the Matters Asserted is not a public record.

E. SETTLEMENT

15. **Settlement.** This matter may be resolved by Settlement Agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code rule 653—12.25. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Anagha Dixit at (515) 281-5478 or anagha.dixit@ag.iowa.gov.

F. PROBABLE CAUSE FINDING

16. On July 23, 2021, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Warren E. Gall, M.D., Chair
Iowa Board of Medicine
400 S.W. 8th Street, Ste. C
Des Moines, IA 50309