

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**LYNETTE I. ILES, M.D., RESPONDENT**

**FILE No. 02-2017-211**

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**SETTLEMENT AGREEMENT**

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**COMES NOW** the Iowa Board of Medicine (Board) and Lynette I. Iles, M.D., (Respondent), on September 15, 2017, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this Settlement Agreement to resolve the pending charges.

**STATEMENT OF THE MATTERS ASSERTED**

1. **Iowa Medical License:** Respondent was issued Iowa medical license MD-30293 on November 9, 1994. Respondent's Iowa medical license is active and will next expire on May 1, 2018.
2. **Jurisdiction:** The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
3. **Practice Setting:** Respondent is an Iowa-licensed physician who practices family medicine in Washington, Iowa.

4. **First Disciplinary Action:** On February 12, 2009, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with failing to conform to the minimal standard of acceptable and prevailing practice of medicine in violation of the laws and rules governing the practice of medicine in Iowa when she failed to provide appropriate care and treatment to patients with chronic pain and failed to maintain appropriate professional boundaries with patients. Respondent completed over thirty credit hours of continuing medical education for the appropriate treatment of patients with chronic pain and maintaining appropriate professional boundaries with patients. Respondent was also monitored by the Iowa Physician Health Program (IPHP). Under the terms of the Settlement Agreement, the Board issued Respondent a Citation and Warning and placed her on probation for a period of five years subject to Board monitoring. The Board also ordered Respondent to complete a Board-approved professional boundaries program and professional boundaries counseling. Respondent was also required to fully comply with a Board-approved practice monitoring plan to ensure that her prescribing practices conform to the minimum standard of care. Respondent completed the period probation on February 12, 2014.

5. **Comprehensive Clinical Competency Evaluation:** On August 23, 2012, the Board ordered Respondent to undergo a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) in Denver, Colorado. On December 21, 2012, Respondent completed a comprehensive clinical competency evaluation at CPEP. CPEP concluded that Respondent demonstrated knowledge acceptable in most areas of general family medicine with some minor gaps and areas of need in some areas of medical knowledge, and application of clinical judgment and reasoning to patient care, and most specifically documentation in patient charts. CPEP recommended that Respondent complete a structured, individualized educational intervention which includes an educational preceptor, continuing medical education, self-study and a documentation course and/or coaching, to address the areas of need.

6. **Second Disciplinary Action:** On January 24, 2014, the Board filed a Statement of Charges against Respondent alleging that she engaged in professional incompetency in violation of the laws and rules governing the practice of medicine when she repeatedly violated the standard of care in her treatment of numerous obstetrical patients in Washington, Iowa, between 2005 and 2010. On August 8, 2014, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges and she was placed on probation for a period of five (5) years subject to certain terms and conditions.

7. **Third Disciplinary Action:** On May 15, 2015, the Board filed a Statement of Charges against Respondent alleging she violated the terms of the August 8, 2014, Settlement Agreement, including, but not limited to, the following:

- A. **Educational Preceptor:** Respondent failed to submit the name and CV of an Iowa-licensed, board-certified, family physician to serve as her educational preceptor and failed to meet regularly with the educational preceptor to review cases, discuss decisions, review specific areas of need and engage in a quality improvement processes in a timely manner in violation of paragraph 11(B)(1) of the Settlement Agreement.
- B. **Continuing Medical Education and Self-Study:** Respondent failed to successfully complete, and/or demonstrate to the Board the successful completion of, the continuing medical education and self-study recommended by CPEP in violation of paragraph 11(B)(2) of the Settlement Agreement.
- C. **Documentation Course:** Respondent failed to successfully complete, and/or demonstrate to the Board the successful completion of, a documentation course and/or coaching as recommended by CPEP in violation of paragraph 11(B)(3) of the Settlement Agreement.
- D. **Quarterly Reports:** Respondent failed to file sworn quarterly reports attesting to her compliance with all the terms of her probation not later than 1/10, 4/10, 7/10 and 10/10 of each year for the duration of the Order in violation of paragraph 11(C) of the August 8, 2014, Settlement Agreement.

On October 16, 2015, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued Respondent a Citation and Warning and ordered her to pay a \$5,000 civil penalty. Respondent agreed to comply with the terms of the August 8, 2014, Settlement Agreement, including meeting with a Board-approved educational preceptor for at least one hour each week to review cases, discuss decisions, review specific areas of need and engage in a quality improvement process, and file sworn quarterly reports attesting to her compliance with the order. On December 16, 2016, the Board reduced the frequency of the preceptor meetings from weekly to monthly.

8. **New Statement of Charges:** On June 2, 2017, the Board filed a new Statement of Charges against Respondent alleging that she willfully or repeatedly violated the terms of the October 16, 2015, Settlement Agreement, when she failed to comply with the educational preceptor requirement described above.

#### **SETTLEMENT AGREEMENT**

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for willfully or repeatedly violating the terms of the October 16, 2015, Settlement Agreement in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of her Iowa medical license.

10. **CIVIL PENALTY:** Respondent shall pay a **\$10,000 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa, mailed to the Board and shall be deposited in the State General Fund.

11. **THIRTY DAY SUSPENSION:** Respondent's Iowa medical license shall be suspended for a period of thirty days beginning October 2, 2017. Respondent shall not engage in any aspect of the practice of medicine during the period of suspension.

12. **PROBATION:** The period of Respondent's probation is extended one year until August 8, 2020, subject to the following terms and conditions:

A. **Monitoring Program:** Respondent shall fully comply with her monitoring program with Mary Knapp, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-5525. Respondent is responsible for all costs associated with the program.

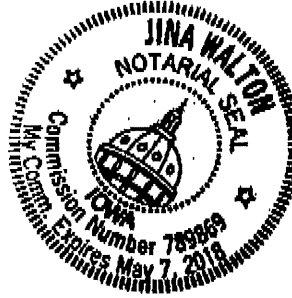
B. **Educational Preceptor:** Respondent shall meet with a Board-approved educational preceptor for at least one hour each month to review cases, discuss decisions, review specific areas of need and engage in a quality improvement processes. Respondent shall submit a log verifying compliance with each quarterly report. If circumstances arise that require missing a monthly session, Respondent shall reschedule the meeting. Respondent shall ensure that she meets with the educational preceptor not less than 3 times per quarter. Respondent shall also ensure that her Board-approved educational preceptor files sworn quarterly reports with the Board describing the Board-approved structured, individualized educational intervention, progress, and any concerns not later than 1/10, 4/10, 7/10 and 10/10. Respondent is responsible for all costs associated with the educational preceptor.


- C. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to her compliance with all the terms of her probation not later than 1/10, 4/10, 7/10 and 10/10 of each year for the duration of the this Order.
- D. **Board Appearances:** Respondent shall appear before the Board annually or upon request of the Board during the period her probation. Respondent shall be given notice of the date, time and location of the appearances. The appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
- E. **Monitoring Fee:** Respondent shall make a payment of \$300 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with all quarterly reports required during her probation. The monitoring fee shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine.

13. **AGREEMENT TO STOP PRACTICNG MEDICINE:** In the event Respondent substantially violates the terms of her probation in the future, such as willfully and without justification, failing to comply with the probationary requirements, Respondent agrees she will immediately stop practicing medicine for a period of 30 days. If Respondent does not immediately stop practicing medicine, the Board will initiate action to revoke her Iowa medical license.

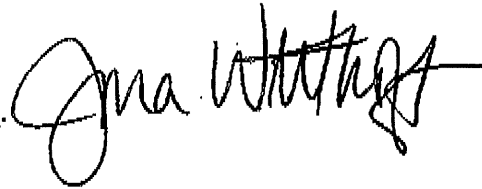
14. Respondent voluntarily submits this Order to the Board for consideration.
15. Respondent agrees that the State's counsel may present this Order to the Board for consideration.
16. This Order constitutes the resolution of a contested case proceeding.
17. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.
18. In the event Respondent fails to comply with any of the terms of this Order, the Board may initiate action to suspend or revoke Respondent's license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.
19. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.
20. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.
21. Respondent understands that this Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.
22. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.
23. The Board's approval of this Order shall constitute a **Final Order** of the Board.



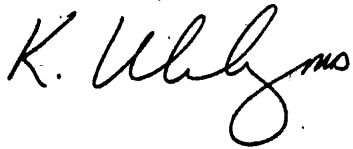


  
Lynette I. Iles, M.D., Respondent

Subscribed and sworn to before me on Sep. 14, 2017.

Notary Public, State of Iowa 

This Order is approved by the Board on September 15, 2017.



Kyle G. Ulveling, M.D., Chair  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LYNETTE I. ILES, M.D., RESPONDENT

FILE No. 02-2017-211

\*\*\*\*\*

STATEMENT OF CHARGES

\*\*\*\*\*

COMES NOW the Iowa Board of Medicine (Board) on June 2, 2017, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2). The Board issued Respondent Iowa medical license MD-30293 on November 9, 1994. Respondent's Iowa medical license is active and will next expire on May 1, 2018.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on July 28, 2017, before the Board. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Board office at 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 IAC 24.2(5)(d) to file an Answer. In that Answer, you should 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 pre-hearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on June 14, 2017, at 9:30 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 Iowa Administrative Code 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, 2<sup>nd</sup> 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 should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Julie Bussanmas 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 and 653 IAC 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. **VIOLATION OF A BOARD ORDER:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 23.1(11) with willful or repeated violation of lawful order of the board, previously entered by the board.

## STATEMENT OF MATTERS ASSERTED

12. **PRACTICE SETTING:** Respondent is an Iowa-licensed physician who practices family medicine in Washington, Iowa.

13. **FIRST DISCIPLINARY ACTION:** On February 12, 2009, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with failing to conform to the minimal standard of acceptable and prevailing practice of medicine when she failed to provide appropriate treatment to patients with chronic pain and failed to maintain appropriate professional boundaries with patients. Respondent completed over thirty credit hours of continuing medical education for the appropriate treatment of patients with chronic pain and maintaining appropriate professional boundaries with patients. Respondent was also monitored by the Iowa Physician Health Program (IPHP). The Board issued Respondent a Citation and Warning and placed her on probation for a period of five years subject to Board monitoring. The Board ordered her to complete a Board-approved professional boundaries program and professional boundaries counseling. Respondent was also required to fully comply with a Board-approved practice monitoring plan. Respondent successfully completed her probationary period and her license was returned with its full privileges on February 12, 2014.

14. **CLINICAL COMPETENCY EVALUATION:** On August 23, 2012, the Board ordered Respondent to undergo a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) in Denver, Colorado. On December 21, 2012, Respondent completed a comprehensive clinical competency evaluation. CPEP concluded that Respondent demonstrated knowledge acceptable in most areas of general family medicine with some minor gaps and areas of need in some areas of medical knowledge, and application of clinical judgment and reasoning to patient care, and most specifically documentation in patient charts. CPEP recommended that Respondent complete a structured, individualized educational intervention which includes an educational preceptor, continuing medical education, self-study and a documentation course and/or coaching, to address the areas of need.

15. **SECOND DISCIPLINARY ACTION:** On January 24, 2014, the Board filed a Statement of Charges against Respondent alleging that she engaged in professional incompetency when she repeatedly violated the standard of care in her treatment of numerous obstetrical patients in Washington, Iowa, between 2005 and 2010. On August 8, 2014, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued Respondent a Citation and Warning and ordered her to pay a \$5,000 civil penalty. The Board also permanently prohibited her from practicing obstetrics under her Iowa medical license. Respondent agreed to refer all pregnant patients to an obstetrical physician and may continue to provide care for non-obstetrical issues and family medicine. The Board also placed Respondent on probation for a period of five (5) years subject to certain terms and conditions,

16. **THRID DISCIPLINARY ACTION:** On May 15, 2015, the Board filed a Statement of Charges against Respondent alleging that she violated the terms and conditions established in the August 8, 2014, Settlement Agreement. The Board alleged that Respondent failed to comply with the educational preceptor requirement; the continuing medical education and self-study requirement; complete a documentation course; and submit quarterly reports to the Board. On October 16, 2015, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued Respondent a Citation and Warning and ordered her to pay a \$5,000 civil penalty. The Board also ordered Respondent to fully comply with the terms and conditions established in the August 8, 2014, Settlement Agreement, including, but not limited to, the following:

- A. **Educational Preceptor:** Respondent shall meet with the Board-approved educational preceptor for at least one hour each week to review cases, discuss decisions, review specific areas of need and engage in a quality improvement processes. Respondent will submit a log verifying compliance with each quarterly report. If circumstances arise that would require missing a weekly session, Respondent will seek to reschedule the weekly meeting; in the event some meetings cannot be rescheduled due to scheduling conflicts, Respondent will ensure she meets with the preceptor not less than 10 times per quarter. Respondent also will ensure her Board-approved educational preceptor files sworn quarterly reports with the Board describing the Board-approved structured, individualized educational

intervention, progress, and any concerns not later than 1/10, 4/10, 7/10 and 10/10, until the Board approves discontinuation of the Board-approved structured, individualized educational intervention.

**17. VIOLATION - OCTOBER 16, 2015, SETTLEMENT AGREEMENT:**

The Board alleges that Respondent willfully or repeatedly violated the terms of the October 16, 2014, Settlement Agreement when she failed to comply with the educational preceptor requirement described above.

**E. SETTLEMENT**

18. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25. If you are interested in pursuing settlement in this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

**F. PROBABLE CAUSE FINDING**

19. On June 2, 2017, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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Kyle G. Ulveling, M.D., Chair  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686