

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT  
AND STATEMENT OF CHARGES AGAINST  
FRANCIS SIMPSON CONWAY, M.D.,  
RESPONDENT.

ORDER AMENDING TERMS AND  
CONDITIONS OF PROBATION

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NOW on this 13<sup>th</sup> day of January, 1977, the above entitled matter having come on regularly for hearing before the Iowa State Board of Medical Examiners and the Board having considered the recommendation from John A. Graf, M.D., Mayo Clinic, Rochester, Minnesota, relative to the respondent's rehabilitation from the problem of drug dependency and his professional opinion that there is no reasonable psychiatric contraindication at this time to the respondent resuming the full practice of medicine which would be possible with the restoration of unconditional licensure and hospital privileges, the Board does now make and enter the following Order.

IT IS HEREBY ORDERED that the Order of Commissioner of Public Health which was entered in the above entitled matter on January 19, 1976, be, and the same is hereby amended by striking therefrom the provisions of paragraph nine (9) and the terms and provisions thereof are of no further force and effect.

IT IS FURTHER HEREBY ORDERED THAT the respondent is hereby authorized to amend his Federal Control Substance registration from a limited registration to a full and unrestricted registration, including Schedules II and II N and all other schedules under the Control Substance Act of 1970 and Chapter 204 of the 1975 Code of Iowa.

IOWA STATE BOARD OF MEDICAL EXAMINERS

BY Ronald V. Saf  
Ronald V. Saf, Executive Director



DEPARTMENT OF HEALTH

NORMAN L. PAWLEWSKI  
COMMISSIONER  
LUCAS STATE OFFICE BUILDING  
DES MOINES, IOWA 50319

January 15, 1976

CERTIFIED MAIL

Francis Simpson Conway, M.D.  
806 Broadway  
Emmetsburg, IA 50536

Re: Complaint and Statement of Charges  
Against Francis Simpson Conway, M.D.

Dear Doctor Conway:

In accordance with the provisions of Section 148.7  
of the Code of Iowa, enclosed are copies of the Findings  
of Fact and Decision and the Order in the above captioned  
matter.

Sincerely,

A handwritten signature in cursive script that reads "Norman L. Pawlewski".

Norman L. Pawlewski  
Commissioner of Public Health

Enclosures  
cc: Ronald Saf

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\*\*\*\*\*  
IN THE MATTER OF THE COMPLAINT  
AND STATEMENT OF CHARGES AGAINST  
FRANCIS SIMPSON CONWAY, M.D.,  
RESPONDENT.  
\*\*\*\*\*

O R D E R

NOW on this 19th day of January, 1976, the Findings of Fact and Decision of the State Board of Medical Examiners, having been filed with the Commissioner of Public Health on the 19th day of January, 1976, and the undersigned Commissioner of Public Health having reviewed the file and being fully advised in the premises FINDS:

1. That the respondent and the State Board of Medical Examiners have agreed and said agreement should be approved, that the order of revocation hereinafter issued shall be subject to the following terms and conditions, in all matters pertaining to the revocation and probation of the respondent's license to practice as a physician and surgeon in this State.

THEREFORE, IT IS HEREBY ORDERED, that the license and certificate to practice as a physician and surgeon in this state, heretofore issued to the respondent, Francis Simpson Conway, M.D., on the 15th day of January, 1960, as evidenced by Certificate Number 16050, recorded in Book 3 at page 630 of the records of the Iowa State Department of Health, be, and the same is hereby revoked; provided, however, that the execution of this order, be, and the same is hereby stayed for the period of five years, upon the following terms and conditions:

1. The respondent is hereby placed on probation for a period of five (5) years.

2. That during the respondent's term of probation, he shall make annual appearances before the State Board of Medical Examiners. The respondent shall be notified of the exact time and place of these annual meetings.

3. The respondent shall immediately make provision for continuous psychiatric evaluation and treatment by a psychiatrist approved by the State Board of Medical Examiners.

4. The respondent shall authorize any physician who treats him as a patient to submit to the State Board of Medical Examiners a report of his mental or physical condition and prescribed course of treatment. The treating physician shall also submit additional reports whenever, or as often as, the Board shall so direct.

5. The respondent shall submit to an examination by a physician designated by the State Board of Medical Examiners whenever, or as often as, the Board shall so direct.

6. The discontinuance of medical treatment by respondent without prior consent of his attending physician or the State Board of Medical Examiners shall automatically and forthwith result in the suspension of the respondent's license to practice medicine and surgery in this state and any attempt to so practice during this period of suspension shall be deemed to be a violation of his probation and good cause for the dissolution of same. The said suspension shall terminate under circumstances in which the respondent shall resume treatment or care and under circumstances where he shall not otherwise have violated any other provision herein expressed.

7. The respondent shall completely abstain from the personal use of all controlled substances or drugs in any form, unless prescribed for him by a duly licensed physician.



8. That during the respondents period of probation he will be required to undergo periodic urine screening examinations as prescribed by the State Board of Medical Examiners.

9. The respondent's Federal Controlled Substance registration number shall be limited or restricted by withdrawing from his Federal Controlled Substances registration the use of Schedule II and Schedule II N and he shall not prescribe, administer or dispense drugs or substances in Schedule II or Schedule II N under the Control Substance Act of 1970 or Chapter 204 of the 1975 Code of Iowa, unless authorized in writing by the State Board of Medical Examiners.

10. The respondent shall obey all state and federal laws regarding the administering, dispensing or prescribing of any controlled substance as defined in the Control Substance Act of 1970 and Chapter 204 of the 1975 Code of Iowa.

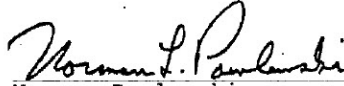
11. The respondent shall obey and fully comply with all rules, regulations, restrictions, requirements, and directives of any hospital, or the medical staff hereof, in which he shall practice medicine.

12. The respondent shall, during his probation period, demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa.

13. The respondent shall submit quarterly reports to the Director of the State Board of Medical Examiners stating that he has fully and faithfully complied with all the terms and provisions imposed herein.

That upon full compliance with the terms and conditions herein set forth and upon expiration of the term of probation herein fixed, respondent's said license shall be restored to its full privileges free and clear of the terms of the probation herein imposed,

provided, however, that in the event respondent violates or fails to comply with any of the terms and conditions of this order, the State Board of Medical Examiners, upon receipt of satisfactory evidence thereof, may forthwith terminate said probation, cancel and revoke said stay of execution of this order, and direct that the order of revocation herein made shall become effective immediately.

  
Norman Pawlewski  
Commissioner of Public Health  
Robert Lucas State Office Bldg.  
Des Moines, Iowa 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\*\*\*\*\*  
IN THE MATTER OF THE COMPLAINT  
AND STATEMENT OF CHARGES AGAINST  
FRANCIS SIMPSON CONWAY, M.D.,  
RESPONDENT.

FINDINGS OF FACT AND  
DECISION

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This matter having come on for hearing on Thursday,  
the 8th day of January, 1976, at 11:30 o'clock a.m. in Room  
910, Insurance Exchange Building, Des Moines, Iowa, before the  
above entitled Board, at which time John M. Rhodes, M.D., Chair-  
man, Kenneth R. Carrell, D.O., Vice Chairman, Howard G. Ellis,  
M.D., Secretary, Hal R. Hirsleman, M.D., Rosalie B. Neligh, M.D.,  
Cyrus L. Beys, M.D., Frederick W. Hetzler, D.O., Mrs. Sheila D.  
Sidles and Joseph A. McCaffrey, Ph.D., all duly appointed, qual-  
ified and acting members of the Board were present.

The respondent, Francis Simpson Conway, M.D., appeared  
in person, but was not represented by counsel.

The Board having reviewed and fully considered the Com-  
plaint and Statement of Charges heretofore filed herein, and  
having considered the evidence and being fully advised in the  
premises does now make and enter the following findings of fact  
and Decision.

FINDINGS OF FACT

1. That the respondent, Francis Simpson Conway, M.D.,  
was issued a license to practice medicine and surgery in the State  
of Iowa on the 15th day of January, 1960, as evidenced by Certificate  
No. 16050 recorded in Book 3 at page 630 of the records of the  
Iowa State Department of Health.

2. That the respondent, Francis Simpson Conway, M.D., having been given notice of hearing as provided by order of this Board and having waived due and timely service of notice by accepting service of notice as to time and place of hearing, the Board now has jurisdiction of this case, the parties and the subject matter hearing.

3. That the respondent has been dependent upon the use of drugs which is grounds for revocation or suspension of his medical license under the provisions of Sections 147.55, subsection 4, and Sections 148.6, subsection 1h of the 1975 Code of Iowa.

4. That the respondent has willfully and repeatedly violated Title VIII, the general provisions regulating the practice of medicine and surgery, which is grounds for revocation or suspension of his medical license under the provisions of Section 147.55, subsection 9, of the 1975 Code of Iowa.

5. That the allegations of the Complaint and Statement of Charges filed herein are material and true and the complainant on behalf of the State of Iowa is entitled to the relief prayed for in the Complaint and Statement of Charges.

#### DECISION

The Board of Medical Examiners recommends to the Commissioner of Public Health and it is the decision of the Board that the license to practice medicine and surgery heretofore issued to the respondent, Francis Simpson Conway, M.D., on the 15th day of January, 1960, as evidenced by Certificate No. 16050, recorded in Book 3 at page 630 of the records of the Iowa State Department of Health, be, and the same is hereby revoked; provided, however, that the execution of this order, be, and the same is hereby stayed for a period of five (5) years upon the following terms and conditions:

1. The respondent is hereby placed on probation for a period of five (5) years.

2. That during the respondent's term of probation, he shall make annual appearances before the State Board of Medical Examiners. The respondent shall be notified of the exact time and place of these annual meetings.

3. The respondent shall immediately make provision for continuous psychiatric evaluation and treatment by a psychiatrist approved by the State Board of Medical Examiners.

4. The respondent shall authorize any physician who treats him as a patient to submit to this Board a report on his mental or physical condition and prescribed course of treatment. The treating physician shall also submit additional reports whenever, or as often as, this Board shall so direct.

5. The respondent shall submit to an examination by a physician designated by this Board whenever, or as often as, this Board shall so direct.

6. The discontinuance of medical treatment by respondent without prior consent of his attending physician or the Board of Medical Examiners shall automatically and forthwith result in the suspension of the respondent's license to practice medicine and surgery in this state and any attempt to so practice during this period of suspension shall be deemed to be a violation of his probation and good cause for the dissolution of same. The said suspension shall terminate under the circumstances in which the respondent shall resume treatment or care and under circumstances where he shall not otherwise have violated any other provision herein expressed.

7. The respondent shall completely abstain from the personal use of all controlled substances or drugs in any form, unless prescribed for him by a duly licensed physician.

8. That during the respondents period of probation he will be required to undergo periodic urine screening examinations as prescribed by the Board.



9. The respondent's Federal Controlled Substance registration number shall be limited or restricted by withdrawing from his Federal Controlled Substance registration the use of Schedule II and Schedule II N and he shall not prescribe, administer or dispense drugs or substances in Schedule II or Schedule II N under the Control Substance Act of 1970 or Chapter 204 of the 1975 Code of Iowa unless authorized in writing by this Board.

10. The respondent shall obey all state and federal laws regarding the administering, dispensing or prescribing of any controlled substance as defined in the Control Substance Act of 1970 and Chapter 204 of the 1975 Code of Iowa.

11. The respondent shall obey and fully comply with all rules, regulations, restrictions, requirements, and directives of any hospital, or the medical staff hereof, in which he shall practice medicine.

12. The respondent shall, during his probation period, demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa.

13. The respondent shall submit quarterly reports to the Director of the State Board of Medical Examiners stating that he has fully and faithfully complied with all the terms and provisions imposed herein.

That upon full compliance with the terms and conditions herein set forth and upon expiration of the term of probation herein fixed, respondent's said license shall be restored to its full privileges free and clear of the terms of the probation herein imposed, provided, however, that in the event respondent violates or fails to comply with any of the terms and conditions of this Order of Probation, the Board, upon receipt of satisfactory evidence thereof, may forthwith terminate said probation, cancel and revoke said stay of execution, and direct that the order of revocation herein made shall become effective immediately.

That pursuant to the provisions of Section 148.6 of the 1975 Code of Iowa, the Commissioner of Public Health is hereby directed to issue an order in conformity with the provisions of the decision of the Board set out herein.

IOWA STATE BOARD OF MEDICAL EXAMINERS

BY: [Signature]  
John M. Rhodes, M.D., Chairman  
[Signature]  
Kenneth R. Garrell, D.O., Vice Chairman  
[Signature]  
Howard G. Ellis, M.D., Secretary

[Signature] M.D.  
Harl R. Hildebrand, M.D.  
[Signature]  
Rosalie B. Neligh, M.IV.  
[Signature]  
Cyrus L. Beye, M.D.  
[Signature]  
Frederick V. Hetzler, D.O.

[Signature]  
Sheila D. Sidles  
[Signature]  
Joseph A. McCreary, Ph.D.

APPROVED AS TO FORM:

Francis S Conway, M.D.  
Francis Simpson Conway, M.D.,  
Respondent. 806 Broadway,  
Emmetsburg, Iowa

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST : ORDER  
FRANCIS S. CONWAY, M.D. : 02-84-426  
RESPONDENT :

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BE IT REMEMBERED, that on April 30, 1991, the above  
entitled matter coming on before the Director of Public Health of  
the state of Iowa for the issuance of an Order terminating the  
probation placed upon the Iowa license to practice medicine and  
surgery, number 16050, issued to the Respondent on January 15,  
1960, and the said Director of Public Health having reviewed the  
file and being otherwise fully advised in the premises FINDS:

1. That on April 30, 1985 an Order was issued by the Com-  
missioner of Health of the state of Iowa, placing the license to  
practice medicine and surgery, number 16050, issued to the Re-  
spondent on January 15, 1960, on probation for a 6 year term  
under certain terms and conditions, and;

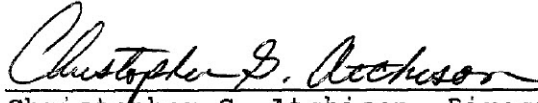
2. That the Respondent has successfully completed probation  
as directed, and;

3. That the Iowa State Board of Medical Examiners having  
directed that the probation placed upon the Respondent's license  
to practice medicine and surgery, number 16050 issued January 15,  
1960, should be terminated and that the said license to practice  
medicine and surgery should be restored to full privileges free



and clear of any restrictions, IT IS HEREBY ORDERED:

That the probation upon Respondent's license to practice medicine and surgery, number 16050, ordered on April 30, 1985, is hereby terminated and the said license is hereby returned to its full privileges free and clear of all restrictions.



Christopher G. Atchison  
Christopher G. Atchison, Director  
Iowa Department of Public Health  
Lucas State Office Building  
Des Moines, Iowa 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST : ORDER  
FRANCIS SIMPSON CONWAY, M.D. : 02-84-426  
RESPONDENT :

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NOW on this 21st day of June, 1989, the above  
entitled matter having been filed with the Director of Public  
Health of the State of Iowa, for Amendment to an Order issued by  
the said Director of Public Health on April 30, 1985, and the  
said Director of Public Health having reviewed the file, and  
being fully advised in the premises FINDS:

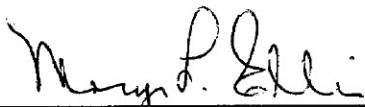
1. That on June 1, 1989 an application filed by the Respond-  
ent requesting an amendment to an Order issued by the Director  
of Public Health of the state of Iowa in the above entitled cause  
on April 30, 1985 was considered by the Iowa State Board of  
Medical Examiners. The said application requested that paragraph  
C of the said Order be amended by deleting "Cherokee Mental  
Health Institute" and inserting in lieu thereof "Spencer Muni-  
cipal Hospital."

2. That the Iowa State Board of Medical Examiners finding  
that the said application was proper, voted to authorize the  
amendment to the Order issued April 30, 1985 as requested.

THEREFORE IT IS HEREBY ORDERED that paragraph C of the

Order issued by the Director of Public Health of the state of Iowa on April 30, 1985 in the above entitled cause, is hereby amended by striking "Cherokee Mental Health Institute" and inserting in lieu thereof "Spencer Municipal Hospital." Paragraph C of the said Order as amended shall now read:

"During this term of probation, or until further order of the Board, Respondent will provide a urine specimen daily under witnessed conditions at either Palo Alto County Hospital or Spencer Municipal Hospital. These specimens will be screened on a random basis by laboratory personnel for alcohol and controlled and prescription drugs. The results of the urine tests shall be forwarded to the State Board of Medical Examiners. Respondent shall seek prior approval in writing from the Board or the Executive Director for periods of absence during which daily specimens cannot be furnished at the named locations. In the event that any urine test should show positive results for alcohol, or any controlled or prescription drug not prescribed for him by a duly licensed physician, the Respondent shall not practice medicine and surgery until the matter has been reviewed by the Board to determine whether to initiate further disciplinary action."



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Mary L. Ellis, Director  
Iowa Department of Public Health  
Lucas State Office Building  
Des Moines, Iowa 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT ;  
AND STATEMENT OF CHARGES AGAINST ;  
FRANCIS SIMPSON CONWAY, M.D., ; COMMISSIONER'S ORDER  
RESPONDENT ;

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NOW on this 30th day of April, 1985, the above entitled matter having been filed with the Commissioner of Public Health, on the 30th day of April, 1985 and the undersigned Commissioner of Public Health, having reviewed the Informal Settlement entered into by the Respondent and the Board of Medical Examiners on the 19th day of April 1985, and being fully advised in the premises, FINDS:

1. That a Complaint and Statement of Charges was filed against Respondent, Francis Simpson Conway, M.D., on February 21, 1985.

2, That Respondent, Francis Simpson Conway, M.D., is currently licensed to practice medicine and surgery under license number 16050, which was issued on January 15, 1960.

3. That the Board of Medical Examiners has jurisdiction in this matter.

4. That the Informal Settlement entered into by the Respondent and the Board of Medical Examiners is an agreed upon disposition of a contested case proceeding initiated by the State Board of Medical Examiners against Respondent, and will dispose of all the matters contained in the Complaint and Statement of

Charges dated February 21, 1985.

IT IS THEREFORE HEREBY ORDERED that the license to practice medicine and surgery issued to Francis Simpson Conway, M.D., on January 15, 1960 as evidenced by certificate number 16060 as recorded in Book 3 at page 630 of the records of the Iowa Board of Medical Examiners, is hereby placed on probation for a period of six years under the following terms and conditions:

A. The Respondent shall completely abstain from the personal use of alcohol and shall completely abstain from the personal use of controlled and prescription drugs in any form unless prescribed for him by another duly licensed treating physician. The Respondent shall advise a treating physician of his prior history of chemical abuse.

B. The Respondent shall provide urine or blood specimens upon demand by an agent or designee of the Board.

C. During this term of probation, or until further order of the Board, Respondent will provide a urine specimen daily under witnessed conditions at either Palo Alto County Hospital or Cherokee Mental Health Institute. These specimens will be screened on a random basis by laboratory personnel for alcohol and controlled and prescription drugs. The results of the urine tests shall be forwarded to the State Board of Medical Examiner. Respondent shall seek prior approval in writing from the Board or the Executive Director for periods of absence during which daily specimens cannot be furnished at the named locations. In the event that any urine test

should show positive results for alcohol, or any controlled or prescription drug not prescribed for him by a duly licensed physician, the Respondent shall not practice medicine and surgery until the matter has been reviewed by the Board to determine whether to initiate further disciplinary action.

D. During the term of probation, or until further order of the Board, the Respondent shall take daily doses of Antabuse, the ingestion of which shall be witnessed.

E. All costs for biological testing under terms of this settlement shall be borne by the Respondent.

F. The Respondent shall submit to the Board within 30 days of the execution of this agreement the names of no more than three psychiatrists or counselors for approval. During the period of probation, or until further order of the Board, Respondent shall follow the treatment or counseling program established by an approved psychiatrist or counselor.

G. As a condition of approval, each psychiatrist or counselor whose name is submitted to the Board shall agree to submit reports to the Board on a quarterly basis.

H. The Respondent shall become a member of Alcoholics Anonymous and attend regular meetings of Alcoholics Anonymous as directed by the State Board of Medical Examiners. The Respondent will submit quarterly reports to the State Board of Medical Examiners stating that he has conscientiously attended such meetings. The Respondent shall append to each report an affidavit of a member of

Alcoholics Anonymous which attests to the Respondent's regular attendance.

I. During the Respondent's term of probation, he shall make semi-annual appearances before the State Board of Medical Examiners. Respondent will be notified of the exact time and place of these meetings.

J. The Respondent shall eliminate all controlled and prescription drugs, other than drugs prescribed for him by another duly licensed physician or expressly authorized in paragraphs K-L of this agreement, from his office by the twenty-first (21) day after the date of the Commissioner's Order in this case. The Respondent shall not dispense controlled or prescription drugs from his office except as expressly authorized in this agreement.

K. The Respondent may possess and, under appropriate medical circumstances, administer the following medications:

1. Injectible/Topical:
  - (a) local anesthetics
    - (1) injectible
    - (2) topical
  - (b) adrenalin (epinephrine)
    - (1) injectible
    - (2) topical
  - (c) atropine
  - (d) antihistamine (benedryl)
  - (e) dilantin
  - (f) diuretics

- (g) ephedrine
- (h) immunizations
- (i) allergy injections
- (j) steroids
- (k) antibiotics
- (l) insulin
- (m) hormones
- (n) vitamins

2. Oral:

sublingual nitroglycerin

L. The Respondent may possess and, under appropriate medical circumstances, administer additional medications, including samples, not expressly provided in this settlement only upon prior written approval by the Board. Prior written approval will be granted by the Board only upon a written justification by the Respondent for possession of additional medications.

M. The Respondent shall be permitted to prescribe schedule II-IV controlled substances for hospital in-patients only. All prescriptions shall be confined to the particular hospital pharmacy in which the in-patient is confined. No prescriptions for schedule II-IV controlled substances shall be written on any other pharmacy than the hospital pharmacy, and no prescriptions shall be written to an in-patient for that patient's use outside of the hospital upon dismissal. All prescriptions for schedule II-IV controlled substances shall be countersigned by another duly licensed physician.

N. The Respondent shall complete thirty (30) hours of

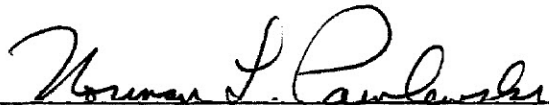


continuing medical education in general practice or family practice by December 31, 1985, in addition to the hours required annually for license renewal.

O. The Respondent shall submit a quarterly report to the State Board of Medical Examiners stating that he has fully and faithfully complied with all of the terms and provisions imposed herein.

P. The Respondent shall during his probation period demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa.

6. Upon full compliance with the terms and conditions set forth herein and upon expiration of the terms of probation herein fixed, Respondent's said license shall be restored to its full privileges free and clear of terms of the probation, herein imposed, provided, however, that in the event Respondent violates or fails to comply with any of the terms and conditions of this Commissioner's Order, the State Board of Medical Examiners, upon receipt of satisfactory evidence thereof, may immediately suspend the Respondent's license to practice medicine and after due notice of hearing may forthwith terminate said probation, cancel and revoke the Commissioner's stay of execution, and direct that an order of revocation be entered herein which shall become effective immediately.



Norman Pawlewski, Commissioner of Health  
Lucas State Office Building  
State Capitol Complex  
Des Moines, Iowa 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE :  
COMPLAINT AND STATEMENT :  
OF CHARGES AGAINST : INFORMAL SETTLEMENT  
FRANCIS SIMPSON CONWAY, M.D. :  
RESPONDENT :

\* \* \* \* \*

COMES NOW the Respondent, Francis Simpson Conway, M.D., and pursuant to § 17A.10 and § 258A.3(4) of the Code of Iowa, offers the following settlement of the contested case currently on file against him:

1. The Respondent was issued a license to practice medicine and surgery on the 15th day of January 1960, as evidenced by Certificate No. 16050, which is recorded in Book 3 at page 630 of the records of the Department of Health.
2. A Statement and Complaint of Charges was filed against the Respondent, Francis Simpson Conway, M.D., on February 21, 1985, and is scheduled to be heard before the State Board of Medical Examiners on April 4, 1985.
3. The State Board of Medical Examiners has jurisdiction in this matter.
4. The Respondent agrees to the following license disciplinary sanctions in paragraphs 5.A. - 5.P.

5. The Commissioner of Health shall take appropriate action to enter an order to revoke Respondent's medical license and to stay the revocation for a period of six years under the following terms and conditions:

A. The Respondent shall completely abstain from the personal use of alcohol and shall completely abstain from the personal use of controlled and prescription drugs in any form unless prescribed for him by another duly licensed treating physician. The Respondent shall advise a treating physician of his prior history of chemical abuse.

B. The Respondent shall provide urine or blood specimens upon demand by an agent or designee of the Board.

C. During this term of probation, or until further order of the Board, Respondent will provide a urine specimen daily under witnessed conditions at either Palo Alto County Hospital or Cherokee Mental Health Institute. These specimens will be screened on a random basis by laboratory personnel for alcohol and controlled and prescription drugs. The results of the urine tests shall be forwarded to the State Board of Medical Examiners. Respondent shall seek prior approval in writing from the Board or the Executive Director for periods of absence during which daily specimens cannot be furnished at the named locations. In the event that any urine test should show positive results for alcohol, or any controlled or prescription drug not prescribed for him by a duly licensed physician, the Respondent shall not

practice medicine and surgery until the matter has been reviewed by the Board to determine whether to initiate further disciplinary action.

D. During the term of probation, or until further order of the Board, the Respondent shall take daily doses of Antabuse, the ingestion of which shall be witnessed.

E. All costs for biological testing under terms of this settlement shall be borne by the Respondent.

F. The Respondent shall submit to the Board within 30 days of the execution of this agreement the names of no more than three psychiatrists or counselors for approval. During the period of probation, or until further order of the Board, Respondent shall follow the treatment or counseling program established by an approved psychiatrist or counselor.

G. As a condition of approval, each psychiatrist or counselor whose name is submitted to the Board shall agree to submit reports to the Board on a quarterly basis.

H. The Respondent shall become a member of Alcoholics Anonymous and attend regular meetings of Alcoholics Anonymous as directed by the State Board of Medical Examiners. The Respondent will submit quarterly reports to the State Board of Medical Examiners stating that he has conscientiously attended such meetings. The Respondent shall append to each report an affidavit of a member of

Alcoholics Anonymous which attests to the Respondent's regular attendance.

I. During the Respondent's term of probation, he shall make semi-annual appearances before the State Board of Medical Examiners. Respondent will be notified of the exact time and place of these meetings.

J. The Respondent shall eliminate all controlled and prescription drugs, other than drugs prescribed for him by another duly licensed physician or expressly authorized in paragraphs K-L of this agreement, from his office by the twenty-first (21) day after the date of the Commissioner's Order in this case. The Respondent shall not dispense controlled or prescription drugs from his office except as expressly authorized in this agreement.

K. The Respondent may possess and, under appropriate medical circumstances, administer the following medications:

1. Injectable/Topical:
  - (a) local anesthetics
    - (1) injectible
    - (2) topical
  - (b) adrenalin (epinephrine)
    - (1) injectible
    - (2) topical
  - (c) atropine
  - (d) antihistamine (benedryl)

- (e) dilantin
- (f) diuretics
- (g) ephedrine
- (h) immunizations
- (i) allergy injections
- (j) steroids
- (k) antibiotics
- (l) insulin
- (m) hormones
- (n) vitamins

2. Oral:

sublingual nitroglycerin

L. The Respondent may possess and, under appropriate medical circumstances, administer additional medications, including samples, not expressly provided in this settlement only upon prior written approval by the Board. Prior written approval will be granted by the Board only upon a written justification by the Respondent for possession of additional medications.

M. The Respondent shall be permitted to prescribe schedule II-IV controlled substances for hospital in-patients only. All prescriptions shall be confined to the particular hospital pharmacy in which the in-patient is confined. No prescriptions for schedule II-IV controlled substances shall be written on any other pharmacy than the hospital pharmacy, and no prescriptions shall be written to an in-patient for that patient's use outside of the hospital upon dismissal. All prescriptions for schedule II-IV

controlled substances shall be countersigned by another duly licensed physician.

N. The Respondent shall complete thirty (30) hours of continuing medical education in general practice or family practice by December 31, 1985, in addition to the hours required annually for license renewal.

O. The Respondent shall submit a quarterly report to the State Board of Medical Examiners stating that he has fully and faithfully complied with all of the terms and provisions imposed herein.

P. The Respondent shall during his probation period demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa.

6. Upon full compliance with the terms and conditions set forth herein and upon expiration of the terms of probation herein fixed, Respondent's said license shall be restored to its full privileges free and clear of terms of the probation, herein imposed, provided, however, that in the event Respondent violates or fails to comply with any of the terms and conditions of this Informal Settlement and the Commissioner's Order of Probation, the State Board of Medical Examiners, upon receipt of satisfactory evidence thereof, may immediately suspend the Respondent's license to practice medicine and after due notice of hearing may forthwith terminate said probation, cancel and revoke the Commissioner's stay of execution, and direct that an order of

revocation be entered herein which shall become effective immediately.

7. The Respondent has voluntarily with full knowledge and consent, entered into this agreement by Order of the Board.

8. This settlement is subject to the approval of the Board. If the Board fails to approve this settlement, it shall be of no force or effect for either party.

9. In the event the Respondent should leave Iowa to reside or to practice outside of the state, he shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside of Iowa shall not apply to the reduction of the probationary period.

IOWA STATE BOARD OF MEDICAL  
EXAMINERS

DATE 4-19-85

BY: John L. Garred, Sr., M.D.

FRANCIS SIMPSON CONWAY, M.D.

DATE April 1, 1985

BY: Francis Simpson Conway, M.D.



BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE COMPLAINT )  
AND STATEMENT OF CHARGES AGAINST )  
FRANCIS SIMPSON CONWAY, M.D., ) COMPLAINT AND STATEMENT  
RESPONDENT. ) OF CHARGES.

\* \* \* \* \*

COMES NOW Ronald V. Saf, Executive Director of the Iowa State Board of Medical Examiners on the 21<sup>st</sup> day of February, 1985, and files this Complaint and Statement of Charges against Francis Simpson Conway, M.D., a physician licensed pursuant to Chapter 147, Code of Iowa, and alleges:

1. That Norman L. Pawlewski is the duly appointed, qualified and acting Commissioner of Public Health of the State of Iowa.
2. That John L. Garred, Sr., M.D., Chairman, Richard L. Carruthers, D.O., Vice Chairman, Dorothy J. Gildea, M.D., Secretary, Alyce M. Fanslow, Ph.D., Joseph B. Baker, D.O., Marian C. Bourek, William R. Bliss, M.D., Reid E. Motley, M.D. and Hormoz Rassekh, M.D., are the duly appointed, qualified and acting officers and members of the Iowa State Board of Medical Examiners.
3. That the Respondent, Francis Simpson Conway, M.D., is a resident of Emmetsburg, Palo Alto County, Iowa, and is a duly licensed and practicing physician and surgeon at an office maintained in the City and County of his residence.

4. That the Respondent, Francis Simpson Conway was issued a license to practice medicine and surgery in the State of Iowa on January 15, 1960, as evidenced by Certificate No. 16050 recorded in Book 3 at Page 630 of the records of the Iowa State Board of Medical Examiners.

5. That the Respondent was removed from the medical staff of the Palo Alto County Hospital effective January 30, 1985.

6. That on December 27, 1984, the Respondent had patient #1 transferred from the intermediate care unit to the acute care unit, then back to the intermediate care unit and then back to the acute care unit and then ordered inappropriate medication and dosage thereof, which would have been life threatening had they been administered.

7. That on December 27, 1984, the Respondent ordered inappropriate medication and dosage thereof for patient #2.

8. That on December 27, 1984, the Respondent's professional judgement and ability to practice medicine and surgery with reasonable skill and safety was impaired due to chemical dependency.

9. That from December 31, 1984, to January 29, 1985, the Respondent was under medical treatment for chemical dependency.

10. That the Respondent is, by his own admission, addicted to alcohol and drugs.

11. That between February 1984 and December 1984, the Respondent, by his own admission, diverted patients' medication to his own use through dispensing and prescribing practices.

12. That on or about July 10, 1968, a Complaint and Statement of Charges was filed by the Board of Medical Examiners alleging that the Respondent had been guilty of diverting Demerol to his own use and, by his own admission, had become addicted to the use of said drug.

13. That on July 10, 1968, the Board of Medical Examiners entered its Findings of Fact and Decision in which it recommended to the Commissioner of Health that an order be entered placing the Respondent on probation for a period of five years, under certain terms and conditions of probation. The said order was made and entered by James F. Speers, M.D., Commissioner of Public Health on July 19, 1968.

14. That on January 8, 1976 a Complaint and Statement of Charges was filed by the Board of Medical Examiners alleging that the Respondent was dependent upon the use of drugs.

15. That on January 8, 1976, the Board of Medical Examiners entered its Findings of Fact and Decision in which it recommended to the Commissioner of Health that an order be entered placing the Respondent on probation for a period of five years, under certain terms and conditions of probation. The said order was made and entered by Norman L. Pawlewski, Commissioner of Public Health, on January 15, 1976.

16. That the Respondent is guilty of violating Section 147.55(4), Section 147.55(8) and Section 148.6(h)(g) of the Code of Iowa which state:

147.55(4) Habitual intoxication or addiction to the use of drugs.

147.55(8) Willful or repeated violations of the provisions of this Act.

148.6(g) Being guilty of a willful or a repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery, osteopathic medicine and surgery or osteopathy in which proceeding actual injury to a patient need not be established; or the committing by a physician of an act contrary to honesty, justice, or good morals, whether the same is committed in the course of his practice or otherwise, and whether committed within or without this State.

148.6(h) Inability to practice medicine and surgery, osteopathic medicine and surgery or osteopathy with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition. The Board of Medical Examiners shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination by designated physicians. Failure of a physician to submit to an examination shall constitute admission to the allegations made against him and the Findings of Fact and decision of the Board of Medical Examiners may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a physician shall be afforded an opportunity to demonstrate that he can resume

the competent practice of medicine with reasonable skill and safety to patients.

17. That the Respondent is guilty of violating Rule 470-135.204(3), Rule 470-135.204(4), Rule 470-135.204(8) and Rule 470-135.204(13) of the Administrative Code of Iowa which state:

470-135.204(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

a. Knowingly making misleading, deceptive, or untrue or fraudulent representation in the practice of a profession includes, but is not limited to an intentional perversion of the truth, either orally or in writing, by a physician in the practice of medicine and surgery, osteopathic medicine and surgery or osteopathy, and includes a representation contrary to his/her legal or equitable duty, trust or confidence and is deemed by the Board of Medical Examiners to be contrary to good conscience, prejudicial to the public welfare and may operate to the injury of another.

b. Engaging in unethical conduct includes, but is not limited to a violation of the standards and principles of medical ethics and code of ethics as set out in Rules 135.401(147,148,258A) and 135.402(147,148,258A), as interpreted by the Board of Medical Examiners.

c. Practice harmful or detrimental to the public

includes, but is not limited to the failure of a physician to possess and exercise that degree of skill, learning and care expected of a reasonable prudent physician acting in the same or similar circumstances in this State or when a physician is unable to practice medicine with reasonable skill and safety to patients as a result of a mental or physical impairment or chemical abuse.

470-135.204(4) Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to the inability of a physician to practice medicine and surgery, osteopathic medicine and surgery or osteopathy with reasonable skill and safety by reason of the excessive use of alcohol, drugs, narcotics, chemicals or other type of material on a continuing basis, or the excessive use of alcohol, drugs, narcotics, chemicals or other type of material which may impair a physician's ability to practice his/her profession with reasonable skill and safety.

470-135.204(8) Willful or repeated violations of the provisions of these rules and Chapters 147 and 148 of the Code. Willful or repeated violations of the provisions of these rules and Chapters 147 and 148 of the Code includes, but is not limited to a physician having intentionally or repeatedly violated a lawful rule or regulation promulgated by the Board of Medical Examiners or the State Department of Health or violated a lawful order of the Board of Medical Examiners or the State Department of Health in a disciplinary hearing or has

violated the provisions of Title VIII (Practice Acts), Code of Iowa, as amended.

270-135.204(13) Inability to practice medicine and surgery, osteopathic medicine and surgery or osteopathy with reasonable skill and safety by reason of a mental or physical impairment or chemical abuse.

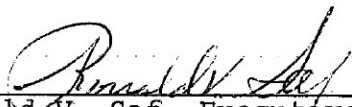
18. That Paragraphs 16 and 17 constitute grounds for which the license issued to Francis Simpson Conway, M.D., on January 15, 1960, as evidenced by Certificate No. 16050 recorded in Book 3 at Page 630 of the Iowa State Board of Medical Examiners, may be suspended or revoked.

WHEREFORE, the undersigned charges that Francis Simpson Conway, M.D., has violated Section 147.55(4), Section 147.55(8) and Section 148.6(g) and Section 148.6(h) of the Code of Iowa and Rule 470-134.204(3), Rule 470-135.204(4), Rule 470-135.204(8) and Rule 470-135.204(13) of the Iowa Administrative Code and prays that the Board of Medical Examiners enter an order fixing a time and place of hearing on the Complaint and Statement of Charges filed herein.

The undersigned further prays that upon final hearing the Board of Medical Examiners enter its Findings of Fact and Decision to suspend or revoke the license to practice medicine and surgery issued to Francis Simpson Conway, M.D., on January 15, 1960.

IOWA STATE BOARD OF MEDICAL EXAMINERS

BY:

  
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Ronald V. Saf, Executive Director  
State Capitol Complex  
Executive Hills West  
Des Moines, Iowa 50319  
Telephone 515-281-5171