

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\*\*\*\*\*  
IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST : ORDER AMENDING  
ROBERT EDWARD PUCELIK, M.D., : COMMISSIONER'S ORDER  
RESPONDENT. :  
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NOW on this 12<sup>th</sup> day of January, 1984, the above  
entitled matter having been filed with the Commissioner  
of Public Health, and the undersigned Commissioner of  
Public Health, having reviewed the file and being fully  
advised in the premises, FINDS:

1. That the Respondent was issued a temporary  
license to practice medicine and surgery on the 12th  
day of December 1980.
2. That Respondent's temporary license was annually  
renewed by the Iowa State Board of Medical Examiners on  
December 12, 1981, and December 12, 1982.
3. That under the provisions of Section 148.10, The  
Code, the Respondent is not entitled to practice medicine  
and surgery or osteopathic medicine and surgery in excess  
of three (3) years while holding a temporary license.
4. That on January 12, 1982, the undersigned entered  
an order herein, placing the Respondent's temporary license  
on probation for a period of five (5) years.
5. That paragraph thirteen (13) of said order states:  
"13. That upon full compliance with the terms and  
conditions set forth herein and upon expiration  
of the temporary license period stated above,  
the respondent shall be issued a permanent  
medical license which will be issued in a  
probationary status for a period of three (3)  
years under the same terms and conditions  
imposed upon the temporary licenses."

6. That the records of the Iowa State Board of Medical Examiners indicate the Respondent's full compliance with the terms and conditions of probation set forth in the Commissioner's Order of January 12, 1982.

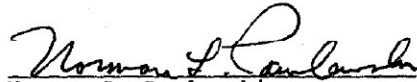
7. That the Respondent is a resident of Independence, IA and was issued a permanent license to practice medicine and surgery on the 16th day of January 1984, as evidenced by Certificate Number 24048, recorded in Book 5, at Page 1393 of the permanent records in the office of the Iowa State Board of Medical Examiners.

8. That the Commissioner's Order of January 12, 1982 should be amended to provide that the Respondent's permanent medical license is subject to a probationary status for a period of three (3) years, from and after January 12, 1984, under the same terms and conditions imposed upon his temporary licenses.

9. That the Commissioner's Order of January 12, 1982, should be amended to permit the Respondent to serve as Medical Director of the Chemical Dependency Unit, Schoitz Medical Center, Waterloo, IA, on a part-time basis, as approved by the Iowa State Board of Medical Examiners.

THEREFORE, IT IS HEREBY ORDERED that the order entered herein on January 12, 1982, be, and the same is hereby amended to provide that the permanent medical license issued to the Respondent on January 16, 1984, is subject to a probationary status for a period of three (3) years, from and after January 12, 1984, under the same terms and conditions of probation imposed upon his temporary license.

IT IS FURTHER HEREBY ORDERED that the Commissioner's Order of January 12, 1982, be, and the same is hereby amended to permit the Respondent to serve as Medical Director of the Chemical Dependency Unit, Schoitz Medical Center, Waterloo, IA, on a part-time basis, as approved by the Iowa State Board of Medical Examiners.



Norman L. Pawlewski  
Commissioner of Public Health  
Lucas State Office Building  
State Capitol Complex  
Des Moines, IA 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\*\*\*\*\*  
IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST :  
ROBERT EDWARD PUCELIK, M.D., : ORDER  
RESPONDENT. :  
\*\*\*\*\*

On this 12th day of January, 1982, the undersigned having reviewed the Informal Settlement entered into by the Respondent and the Iowa Board of Medical Examiners on January 7, 1982, and being fully advised in the premises, FINDS:

That the Informal Settlement entered into by the Respondent and approved by the Iowa Board of Medical Examiners on January 7, 1982, is a final disposition of a contested case filed by the Iowa Board of Medical Examiners against the Respondent, Robert Edward Pucelik, M.D., and therefore issues the following Order:

ORDER

IT IS THEREFORE ORDERED that the temporary license to practice medicine and surgery which was issued to the Respondent, Robert Edward Pucelik, M.D., on the 12th day of December, 1980, is hereby revoked, however, the revocation is hereby stayed and the respondent is placed on a five year probation under the following terms and conditions:

1. That 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, Schedule IIN, and Schedule III drugs or substances and he shall not prescribe, administer or dispense drugs or substances in Schedule II, IIN, and III under the controlled Substance Act of 1970, however, the respondent may prescribe or administer, Schedule II, IIN, or III controlled substances for treatment of in-patients in a hospital or State Institution provided that the hospital or State Institution DEA number is used and each prescription is approved and cosigned by his supervising physician or the supervising physician's designee. The respondent shall not apply for reinstatement of Schedule II, IIN, III prescribing privileges without prior written consent of the Board. The terms of this paragraph do not limit the respondent's authority to prescribe Schedules IV and V.

2. That within 60 days of the effective date of this order, respondent shall submit to the Board for its prior approval, a clinical education program related to the detoxification of chemically dependent persons. The exact number of hours and the specific content of the program shall be determined by the Board or its designee. Respondent shall complete the clinical training program within two years of the effective date of this settlement. The Board or its designee may require the respondent to pass an examination related to the content of the program within a reasonable time after the completion of the clinical training.

3. That the respondent shall not treat any chemical dependent person prior to the completion of the clinical training approved by the Board.

4. That the respondent is prohibited from engaging in solo practice. Within 10 days of the effective date of this order, respondent shall submit to the Board, and receive its prior approval, for a plan of practice limited to a supervised, structured environment in which respondent's activities will be overseen and supervised by another physician.

5. That the respondent shall not practice without supervision nor change practice locations without the prior approval of the Board.

6. That the respondent shall appear before the Board of Medical Examiners annually. Respondent will be notified of the exact time and place for these annual appearances.

7. That the respondent shall demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa.

8. That respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.

9. That respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

10. That the respondent shall comply with the Board's probation surveillance program.

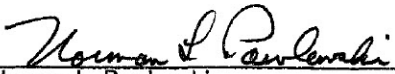
11. That respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

12. That in the event respondent should leave Iowa to reside or to practice outside the State, respondent must notify in writing the Board of the dates of departure and return. Periods of residency or practice outside Iowa will not apply to the reduction of this probationary period.

13. That upon full compliance with the terms and conditions set forth herein and upon expiration of the temporary license period stated above, the respondent shall be issued a permanent medical license which will be issued in a probationary status for a period of three years under the same terms and conditions imposed upon the temporary licenses.

14. That upon full compliance with the terms and conditions set forth herein and upon expiration of the terms and conditions of the probations herein fixed, respondent's said license shall be restored to its full privileges free and clear of all terms of 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 of Probation the Board, upon receipt of

satisfactory evidence thereof, may immediately suspend the respondent's license to practice medicine and surgery and after giving respondent notice and the opportunity to be heard, may forthwith terminate said probation by setting aside the Commissioner's Stay of Execution, and that an Order of Revocation be entered herein which shall become effective immediately.

  
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Norman L. Pawlewski  
Commissioner of Public health  
Lucas State Office Building  
State Capitol Complex  
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 : COMPLAINT AND STATEMENT  
ROBERT EDWARD PUCELIK, M.D., : OF CHARGES  
RESPONDENT. :

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COMES NOW Ronald V. Saf, Executive Director of the Iowa State Board of Medical Examiners and, on this 10th day of September, 1981, files this Complaint and Statement of Charges against Robert Edward Pucelik, 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 Alexander Ervanian, M.D., Chairman, Joseph A. McCaffrey, Ph.D., Vice-Chairman, Rosalie B. Neligh, M.D., Secretary, Joseph B. Baker, D.O., Jack L. Dodd, M.D., Kathryn E. Gammack, John Lee Garred, M.D., and Reid E. Motley, M.D., are the duly appointed qualified and acting officers and members of the Iowa State Board of Medical Examiners.
3. That the respondent is a resident of Independence, Iowa, and was issued temporary license number 673 to practice medicine and surgery in the State of Iowa on December 12, 1980, as recorded in the permanent records in the office of the State Board of Medical Examiners.
4. That the respondent's license is current until December 12, 1981.
5. That on March 4, 1981, Daniel McKinney was transferred from the Linn County Jail to the Mental Health Institute at Independence, Iowa, under Court Order Number SR6556. The reason for the transfer was for detoxification from alcohol.
6. That on March 4, 1981, at 3:05 P.M., Mr. McKinney was admitted under standard admission policies and procedures. Admission history and physical was completed by a physician other than the respondent. This physician ordered vistaril 50 mg. every four (4) hours (if necessary) for agitation and dalmane 30 mg. at hour of sleep.

7. That on March 5, 1981, at 10:00 A.M., the respondent first saw Mr. McKinney at which time a routine intake interview was completed. The respondent discontinued all admission medication orders and new orders for valium 10 mg. (immediately) and valium 10 mg. three (3) times a day were noted. These orders were issued following the admission by Mr. McKinney that he was a poly drug abuser and was used to taking as many as ten (10) valium per day. Intake notes dated March 5, 1981, indicate that the respondent was aware that the patient had been incarcerated for approximately a week prior to admission and that the patient claimed to have a 2½ gram per day habit of heroin. Further notes on the intake notes indicate that it was felt that the patient was at times unreliable in relating any information. These notes also indicate that the patient was experiencing moderate withdrawal symptoms. The notes further indicate an intention by the respondent to treat withdrawal symptoms with methadone.

8. Nursing notes indicate that the patient went to sleep at approximately 11:00 P.M., on March 5, 1981, and slept through the night with no complaints.

9. That on March 5, 1981, at 4:00 P.M., the respondent saw Mr. McKinney and discontinued all previous medication orders. New orders were given for valium 10 mg. four (4) times a day and dalmane 30 mg. at hour of sleep with further instructions that the dalmane 30 mg. could be repeated once, one (1) hour after the first dose. These orders were initiated following Mr. McKinney's admission that he had a daily habit of seconal and that he needed a "handful" at night to get to sleep.

10. That on March 6, 1981, at 9:00 A.M., the respondent saw Mr. McKinney and discontinued all previous medication orders. New orders were given for valium 20 mg. (orally) immediately and transfer to Ward Q (medical unit). These orders were initiated following Mr. McKinney's admission of having used up to two and one-half grams of heroin per day for the past seven years. In addition, the respondent noted in physician progress notes that Mr. McKinney was presenting withdrawal symptoms, e.g., joint swelling, perspiration, anxiety. The respondent's progress note (9:00 A.M.), stated, "heroin withdrawal - transfer to Ward Q - methadone."

11. That the respondent made the diagnosis of heroin withdrawal without the aid of any laboratory testing and relied primarily upon what the patient, Mr. McKinney, told the respondent. The respondent did not order a drug screen and did not make an attempt to verify Mr. McKinney's past drug abuse problems.

12. That the respondent at 10:00 A.M., on March 6, 1981, ordered via phone, 40 mg. of methadone (immediately) followed by 40 mg. of methadone every eight (8) hours for the next twenty-four (24) hours. This order was initiated even though Mr. McKinney was exhibiting minimal if any withdrawal symptoms.



BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

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\*\*\*\*\* I.A. BOARD OF MED. EXAMINERS

IN THE MATTER OF THE RESIDENT :
LICENSE APPLICATION OF : CONSENT AGREEMENT
CHARLES G. HAWKINS, D.O. :
APPLICANT

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Now on October 8, 1992, the Iowa State Board of Medical Examiners, (hereafter the Board) and Charles G. Hawkins, D.O., (hereafter the applicant) agree to the issuance of a license authorizing the Applicant to practice as a Resident Osteopathic Physician and Surgeon in an approved residency program in the State of Iowa under the following terms and conditions to be in effect for a period of four (4) years:

- 1. That the applicant shall completely abstain from the personal use of all controlled or prescription drugs unless prescribed for him by another duly licensed, treating health care practitioner. The applicant shall advise any said treating health care practitioner of his previous history of chemical abuse.
2. That the applicant shall abstain from the consumption of alcohol.
3. That the applicant shall provide witnessed blood or urine samples upon demand by any agent of the Board. The blood or urine samples will be used for drug and alcohol screening purposes, all costs of which shall be borne by the applicant.

21. That FDA Methadone Regulation 21 CFR 291.505 appearing in the Federal Register, Volume 45, Number 184, dated September 19, 1980, states in part at page 62711:

"(4) Minimum urine testing: uses and frequency. (i) The person(s) responsible for a program shall insure that an initial drug-screening urinalysis is completed for each prospective patient: - - - each urine specimen is required to be analyzed for opiates, methadone, amphetamines, cocaine, barbiturates, as well as other drugs as indicated." - - -

and at page 62714 states in part:

"(8) Frequency of attendance: quality of take home medication: dosage of methadone; initial and stabilization.

(i) Dosage and responsibility for administration.

(a) The person(s) responsible for the program shall insure that the initial dose of methadone does not exceed thirty (30) milligrams and that the total dose for the first day does not exceed forty (40) milligrams unless the program medical director documents in the patient's record that forty (40) milligrams did not suppress opiate abstinence symptoms. - - - If the patient has been a heavy user of heroin up to the day of admission she/he may require an initial dose of fifteen (15) to thirty (30) milligrams with additional smaller increments four (4) to eight (8) hours later." - - -

22. That the respondent should have ordered a drug screen prior to the administering of methadone.

23. That the respondent knew or should have known that the patient if opiate dependent would have been through withdrawal prior to admission to the Mental Health Institute.

24. That the respondent should have known the maximum dosage amounts of methadone to be used on first day treatment.

25. That the respondent knew or should have known the synergistic effect of valium, methadone, and sodium amyral before ordering all three (3) drugs in a short time span.

26. That the respondent is guilty of a violation of Section 147.55(2) of the Code of Iowa which states:

(2) Professional incompetency.

27. That the respondent is guilty of a violation of Section 148.6(c) and (g) of the Code of Iowa which states:

(c) Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine.

- (g) Being guilty of a willful or 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 the state.

28. That the respondent is guilty of a violation of Rule 470-135.204(2) of the Iowa Administrative Code which states:

Professional incompetency. Professional incompetency includes but is not limited to:

470-135.204(2)

- (a) A substantial lack of knowledge or ability to discharge professional obligations within the scope of the physician's or surgeon's practice.
- (b) 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;
- (c) 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.
- (d) A willful or 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 the State of Iowa.

29. That the respondent is guilty of a violation of Rule 470-135.204 (3) c of the Iowa Administrative Code, which states:

- (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.

30. That the respondent is guilty of a violation of Rule 470-135.204(12) of the Iowa Administrative Code which states:

470-135.204(12)

Being guilty of a willful or 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/her practice or otherwise, and whether committed within or without this state.

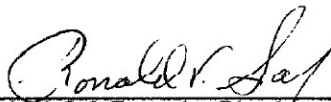
31. That the respondent is guilty of a violation of Rule 470-135.204(24) of the Iowa Administrative Code which states:

470-135.204(24)

Willful or gross negligence.

32. That paragraphs 26, 27, 28, 29, 30, and 31 constitute grounds for which the license to practice medicine and surgery issued to the respondent, Robert Edward Pucelik, M.D., may be suspended or revoked.

WHEREFORE, the undersigned charges that Robert Edward Pucelik, M.D., has violated sections 147.55(2) and 148.6(c) and (g) of the Code of Iowa, and Rules 470-135.204(2), 470-135.204(3)c, 470-135-204(12), and 470-135.204(24) of the Iowa Administrative Code, and the undersigned prays that the Board enter an order fixing a time and place of hearing on this Complaint and Statement of Charges. The undersigned further prays that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice medicine and surgery issued to Robert Edward Pucelik, M.D., on December 12, 1980, and for such other and further relief as the Board deems just in the premises.



Ronald V. Saf, Executive Director  
IOWA BOARD OF MEDICAL EXAMINERS  
State Capitol Complex  
Executive Hill West  
Des Moines, Iowa 50319  
(515) 281-5171.

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

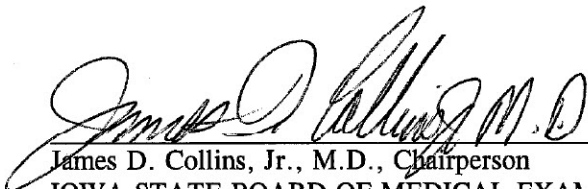
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IN THE MATTER OF THE COMPLAINT           \*  
  \*  
AND STATEMENT OF CHARGES AGAINST       \*                               ORDER  
  \*  
ROBERT E. PUCELIK, M.D.                   \*                               PO-86-379  
  \*  
RESPONDENT                                   \*  
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NOW ON 22 May, 19 95 BE IT REMEMBERED:

1. That on February 22, 1988, an Order was issued by the Director of Public Health of the State of Iowa, placing the license to practice medicine and surgery, number 24048 issued to Robert E. Pucelik, M.D.(hereafter the Respondent) on January 16, 1984, on probation under certain terms and conditions; and,
2. That the Board having directed that the probation placed upon the Respondent's license to practice medicine and surgery should be terminated:

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice medicine and surgery is terminated and the said license is returned to its full privileges free and clear of all restrictions.

  
James D. Collins, Jr., M.D., Chairperson  
IOWA STATE BOARD OF MEDICAL EXAMINERS  
1209 East Court Avenue  
Des Moines, Iowa 50319-0180

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 : AMENDED ORDER  
ROBERT E. PUCELIK, M.D. : 02-86-379  
RESPONDENT :

\* \* \* \* \*

NOW ON March 24, 1993, BE IT REMEMBERED:

I. That on March 8, 1993, Robert E. Pucelik, M.D., (hereafter the Respondent) filed an application with the Iowa State Board of Medical Examiners (hereafter the Board), seeking certain amendments to a medical board disciplinary Order issued in the above entitled action on May 16, 1991.

II. That on March 11, 1993, the Board considered the Respondent's application and voted to authorize amendments to the above referenced medical board disciplinary Order as requested.

**THEREFORE IT IS ORDERED** that paragraphs (e) and (g) of the above referenced medical board disciplinary Order dated May 16, 1991, are hereby amended to read:

- (e) The Respondent shall be restricted to practice at the Black Hawk-Grundy Health Center, Inc., with a forty-seven hour work week. If the Respondent wishes to seek other employment or change his practice the Respondent must have prior board approval for the employment or practice change.
- (g) That the Respondent may prescribe controlled substances

and shall maintain a record of all such controlled substances prescribed. The record shall show the following, and will be provided to the Board on a quarterly basis. or upon request of the Board or an agent of the Board:

IT IS FURTHER ORDERED that sub paragraphs (g)(1) through (g)(4) of the previously referenced medical board disciplinary Order issued May 16, 1991 remain unchanged and in full force.

IOWA STATE BOARD OF MEDICAL EXAMINERS



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C.L. Peterson, D.O.  
Chairman  
1209 East Court Avenue  
Des Moines, Iowa 50319  
(515) 281-5171

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES ACAINST : ORDER  
ROBERT E. PUCELIK, M.D. : 02-86-379  
RESPONDENT :

\* \* \* \* \*

NOW on May 16, 1991, the above entitled matter having been filed with the Director of Public Health of the State of Iowa (hereafter the Director) for an amendment to an Order issued by the Director on February 22, 1988 (hereafter the Order and the Director being fully advised in the premises FINDS;

I: That on January 23, 1991, Robert E. Pucelik, M.D. (hereafter the Respondent), filed an application with the Iowa State Board of Medical Examiners (hereafter the Board), seeking certain amendments to the Order.

II: On April 11, 1991, the Board considered the Respondent's application and voted to authorize amendments to the Order as follows:

(A) That paragraphs A through N of the Order be deleted.



(B) That paragraphs (a) through (l) be inserted to read:

(a) The Respondent shall completely abstain from the personal use of controlled or prescription drugs unless properly prescribed for the Respondent by another duly licensed treating physician. The Respondent shall advise all treating physicians of his prior history of chemical abuse.

(b) The Respondent shall completely abstain from the personal use of alcohol.

(c) The Respondent shall attend and participate in at least two (2) meetings of Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) each week. The Respondent shall document evidence of his attendance at meetings of Alcoholics Anonymous or Narcotics Anonymous by having another person in attendance sign or initial a record of Respondent's attendance at the said meeting. Such record shall include the date, time and location of the Alcoholics Anonymous or Narcotics Anonymous meeting attended by the Respondent.

(d) The Respondent shall submit to witnessed blood or urine samples on demand by a designee of the Board. The samples shall be used for drug screening, all costs of which shall be paid by the Respondent.

(e) The Respondent shall be restricted to practice at the Black Hawk-Grundy Health Center, Inc., with a forty-four hour work week. If the Respondent wishes to seek other

employment or change his practice the Respondent must have prior Board approval for the employment or practice change.

(f) That the Respondent shall not administer or dispense any controlled substances, nor shall he prescribe schedule II or III controlled substances until further Order of the Board.

(g) That the Respondent may prescribe schedule IV and V controlled substances and shall maintain a record of all such controlled substances prescribed. The record shall show the following, and will be provided to the Board on a quarterly basis, or upon request of the Board or an agent of the Board:

- (1) the name and address of the patient;
- (2) the date the controlled substance was prescribed;
- (3) the name and quantity of controlled substance prescribed and;
- (4) the pathology and purpose for which the controlled substance was prescribed.

(h) The Respondent shall, during the first five years of probation, appear before the Board or a designated committee of the Board at any time or place the Board directs, but not less than one time annually. During the remainder of the period of probation, the Respondent shall make such appearances as directed by the Board. The Respondent shall be notified of the exact time and place of any required appearance.

(i) The Respondent shall submit to the Board a


sworn quarterly report stating that he has complied with the terms and conditions of probation. As part of the quarterly report, the Respondent shall submit the documents of his attendance at meetings of Alcoholics Anonymous or Narcotics Anonymous and shall list the names of any controlled or prescription drugs which have been prescribed for his use, and the name of the physician prescribing the drug.

(j) The Respondent shall obey all federal, state and local statutes or ordinances and all rules governing or related to the practice of medicine and surgery in the state of Iowa.

(k) The Respondent shall demonstrate the type of exemplary conduct required of a duly licensed physician in the state of Iowa.

(l) The Respondent shall cooperate with the Board's probation supervision program.

III: THEREFORE IT IS HEREBY ORDERED, that the Order is hereby amended by deleting paragraphs A through N and inserting in lieu thereof paragraphs (a) through (l) as outlined herein.

  
Christopher G. Atchison, Director  
Iowa Department of Public Health  
Robert 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 : AMENDED ORDER  
ROBERT E. PUCELIK, M.D. : 02-86-379  
RESPONDENT :

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NOW on February 27, 1990, 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 February 22, 1988, and the said Director of Public Health being fully advised in the premises  
FINDS:

1. That on December 20, 1989 an application filed by the Respondent, pursuant to paragraph H, of an Order issued by the Director of Public Health of the state of Iowa in the above entitled cause on February 22, 1988 was considered by the Iowa State Board of Medical Examiners. The said application requested that the said Order be amended by adding paragraph H(1) to read as follows:

H(1) - The Respondent shall not prescribe, administer or dispense any controlled drug. Respondent may prescribe, administer or dispense only the following non-controlled prescription drugs:

Antiparkinsonian Medications

Symmetrel  
Cogentin  
Akineton  
Benadryl  
Kemadrin  
Artane  
Parlodel  
Sinemet

Antidepressant Medications

Elavil  
Tofranil  
Sinequan - Adapin - Doxepin  
Pamelor - Aventyl  
Norpramin  
Wellbutin  
Sarmontil  
Asendin  
Ludiomil  
Desyrel  
Prozac

Other Medications

Dilantin  
Vistaril  
Buspar  
Antabuse  
Nicorette  
Lithium  
Detamethasone  
Atarax  
Inderal  
Midrin  
Depakene  
Doxidan  
Colace  
Tegretol

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 February 22, 1988 as requested.

THEREFORE IT IS HEREBY ORDERED that paragraph H(1) as outlined above be added to the Order issued by the Director of

Public Health of the state of Iowa on February 22, 1988 in the above entitled cause.

IT IS FURTHER ORDERED that all other terms and provisions of the Order signed by the undersigned Director of Public Health of the state of Iowa in the above entitled cause on the February 22, 1988 remain unchanged and in full force as originally ordered.



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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 : ORDER  
ROBERT E. PUCELIK, M.D. : 02-86-379  
RESPONDENT :

\*\*\*\*\*

NOW on this 15<sup>th</sup> 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 February 22, 1988, and the said Director of Public Health having reviewed the file, and being fully advised in the premises FINDS:

1. That on April 20, 1989 an application filed by the Respondent requesting an amendment to an Order issued by the Director of Public Health of the state of Iowa in the above entitled cause on February 22, 1988 was considered by the Iowa State Board of Medical Examiners. The said application requested that paragraph G of the said Order be amended by deleting the word and numeral "thirty (30)" and inserting in lieu thereof the word and numeral "forty (40)".

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 February 22, 1988 as requested.

THEREFORE IT IS HEREBY ORDERED that paragraph G of the Order issued by the Director of Public Health of the state of

- J. **FEDERAL, STATE AND LOCAL LAWS AND RULES:** Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.
  
- K. **PRACTICE OUTSIDE OF IOWA:** In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the Settlement Agreement and Final Order.
  
- L. **VIOLATION OF THIS ORDER:** In the event Respondent violates or fails to comply with any of the terms or conditions of this combined Statement of Charges, Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

**IT IS FURTHER ORDERED,** in accordance with 653 IAC 12.43, that Respondent shall pay a disciplinary hearing fee of \$75.00. In addition, Respondent shall pay any costs certified by the Executive Director and reimbursable pursuant to subrule 12.43(3). All fees and costs shall be paid in the form of a check or money order payable to the State of Iowa and delivered to the Department of Public Health, within thirty days.

Dated this 20<sup>th</sup> day of April, 2004.

*Dale R. Holdiman MD*

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Dale R. Holdiman, M.D.  
Chairperson  
Iowa Board of Medical Examiners

cc: Theresa O'Connell Weeg, AAG  
Connie Diekema, Attorney

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this order.



BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST : O R D E R  
ROBERT E. PUCELIK, M.D., : 02-86-379  
RESPONDENT :

\* \* \* \* \*

NOW on this 22<sup>nd</sup> day of February, 1988, the above entitled matter having been filed with the Director of Public Health, for the State of Iowa, and the said Director of Public Health, having reviewed the file and being fully advised in the premises FINDS:

1. On March 9, 1987, an order was issued by the undersigned Director of Public Health of the State of Iowa, indefinitely suspending Iowa license number 24048 issued to the Respondent to practice medicine and surgery on January 16, 1984. The said order of suspension was issued at the direction of the Iowa State Board of Medical Examiners pursuant to an Informal Settlement entered into by the Respondent and the Iowa State Board of Medical Examiners as a disposition to a disciplinary action taken by the Board against the Respondent in the above entitled cause.

2. As a specific condition, the order prohibited the Respondent from seeking reinstatement of his license for a minimum of six months. The order further provided that upon application for reinstatement of license, "the Respondent shall allege and bear the burden to establish facts which will be sufficient for the Iowa Board of Medical Examiners to determine that the basis for this suspension ....no longer exists and that

it will be in the public interest for his license to be reinstated". In addition, the order provided that any reinstatement of the Respondent's license "may be under terms and conditions of probation".

3. On November 23, 1987, a petition for reinstatement of license was filed by the Respondent with the Iowa State Board of Medical Examiners. Pursuant to the said petition, on December 16, 1987, a hearing was held before a three member panel of the Iowa State Board of Medical Examiners to determine if the Respondent's license to practice medicine and surgery should be reinstated.

4. On January 19, 1988 a Proposed Decision and Order of the Panel was issued.

5. On January 19, 1988, pursuant to the provisions of Rule 470-135.301(28) of the Iowa Administrative Code, a copy of the Proposed Decision and Order of the Panel was sent to the Respondent via U. S. First Class restricted certified mail.

6. On January 21, 1988 the Proposed Decision and Order of the Panel was presented to, and accepted by, the Iowa State Board of Medical Examiners.

7. On February 18, 1988, thirty days having passed and no appeal having been filed by any interested party, the Proposed Decision and Order of the Panel issued January 19, 1988 became a final Order of the Board.

8. Pursuant to the provisions of Section 148.6(1) of the Code of Iowa, and Rule 470-135.301(31) of the Iowa Administrative Code, the Director of Public Health of the State of Iowa is

authorized to issue an Order herein, based upon the direction of the Iowa State Board of Medical Examiners.

THEREFORE IT IS HEREBY ORDERED that the suspension of Respondent's license to practice medicine and surgery in Iowa imposed on March 9, 1987 is hereby terminated. The Respondent's license is hereby reinstated under the following terms and conditions, which shall remain in force and effect for a period of ten (10) years from this date.

A. The Respondent shall completely abstain from the personal use of controlled or prescription drugs unless properly prescribed for the Respondent by another duly licensed treating physician. The Respondent shall advise all treating physicians of his prior history of chemical abuse.

B. The Respondent shall completely abstain from the personal use of alcohol.

C. The Respondent shall attend and participate in at least two (2) meetings of Alcoholics Anonymous or Narcotics Anonymous (A.A. or N.A.) each week. The Respondent shall document evidence of his attendance at meetings of Alcoholics Anonymous or Narcotics Anonymous (A.A. or N.A.) by having another person in attendance sign or initial a record of Respondent's attendance at the said meeting. Such record shall include the date, time and location of the Alcoholics Anonymous or Narcotics Anonymous (A.A. or N.A.) meeting attended by the Respondent.

D. The Respondent shall, within ten (10) days, submit for Board consideration the names and curriculum vitae of three psychiatrists or counselors practicing in the state of Iowa. The Board may approve one (1) of the psychiatrists or counselors to provide the Respondent with continued treatment or counseling. The approved psychiatrist or counselor shall agree to furnish the Board with a report concerning the Respondent's treatment progress. The psychiatrist's or counselor's report shall be submitted on a quarterly basis and at any other time when requested by the Board.

E. The Respondent shall continue psychiatric treatment or counseling on a regular basis by the Board approved psychiatrist or counselor until further order of the Board.

F. The Respondent shall provide daily witnessed urine specimens for drug and alcohol testing under a procedure approved by the Board. In addition, the Respondent shall

submit, upon request of the Board or any agent of the Board, witnessed specimens of his blood or urine for drug and alcohol testing. All costs associated with the blood or urine testing shall be borne by the Respondent.

G. The Respondent shall be restricted to practice at the Black Hawk-Grundy Mental Health Center, Inc., with a thirty (30) hour work week. If Respondent's employment offer from the Black Hawk-Grundy Mental Health Center, Inc., is rescinded for any reason, or if the Respondent wishes to seek other employment or change his practice, the Respondent must have prior Board approval for the employment or practice change.

H. The Respondent shall not prescribe any drugs for a period of six months. At the conclusion of the six month period, the Respondent may make application to the Board for restrictive drug prescribing authority.

I. The Respondent must show proof of current continuing medical education requirements prior to reinstatement of his license.

J. The Respondent shall, during the first five years of probation, appear before the Board or a designated committee of the Board at any time or place the Board directs, but not less than one time annually. During the remainder of the period of probation, the Respondent shall make such appearances as directed by the Board. The Respondent shall be notified of the exact time and place of any required appearance.

K. The Respondent shall submit to the Board a sworn quarterly report stating that he has complied with the terms and conditions of probation. As part of the quarterly report, the Respondent shall submit the documentation of his attendance at meetings of Alcoholics Anonymous or Narcotics Anonymous and shall list the names of any controlled or prescription drugs which have been prescribed for his use, and the name of the physician prescribing the drug.

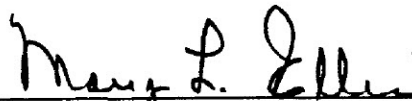
L. The Respondent shall obey all federal, state and local statutes or ordinances and all rules governing or related to the practice of medicine and surgery in the state of Iowa.

M. The Respondent shall demonstrate the type of exemplary conduct required of a duly licensed physician in the state of Iowa.

N. The Respondent shall cooperate with the Board's probation supervision program.

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. In the event Respondent violates or fails to comply with any of the terms and conditions of this Order terminating the suspension and reinstating Respondent's license under terms and conditions of Probation, the Board, after providing notice and opportunity to be heard, may revoke the license or impose other licensee discipline authorized in section 258A.3(2) of the 1987 Code of Iowa and rule 470-135.202 of the Iowa Administrative Code.



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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 : O R D E R  
ROBERT E. PUCELIK, M.D., : 02-86-379  
RESPONDENT :

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NOW on this 9<sup>TH</sup> day of March, 1987, the above entitled matter having been filed with the Director of Public Health of the State of Iowa, and the said Director of Public Health having reviewed the file and being fully advised in the premises FINDS:

1. The Respondent, Robert E. Pucelik, M.D., was issued a license to practice medicine and surgery in the State of Iowa on January 16, 1984, as evidenced by certificate number 24048, as recorded in Book 5, Page 1383, of the permanent records in the office of the Iowa State Board of Medical Examiners.
2. The Respondent Robert E. Pucelik, M.D., has been on probation for a period of five (5) years, which commenced under an Order of the Commissioner of Public Health, of the State of Iowa, issued on January 12, 1982.
3. A Complaint and Statement of Charges was filed against the Respondent, Robert E. Pucelick, M.D., on November 20, 1986.
4. The Iowa State Board of Medical Examiners has jurisdiction of the parties and subject matter herein.

5. Pursuant to Sections 17A.10 and 258A.3(4) of the Code of Iowa, the Respondent, Robert E. Pucelik, M.D., and the Iowa State Board of Medical Examiners have entered into an Informal Settlement, in connection with the Complaint and Statement of Charges filed against the Respondent, on November 20, 1986.

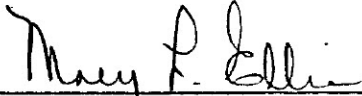
6. Pursuant to Sections 148.7 and 148.6(1) of the Code of Iowa, and Rule 470-135.301(31), the Director of Public Health is authorized to enter an Order imposing licensee discipline herein.

THEREFORE IT IS HEREBY ORDERED THAT:

- A. Respondent's license to practice medicine and surgery shall be suspended indefinitely effective on the date of this order.
- B. Respondent may apply for reinstatement of his license to practice medicine and surgery in accordance with rule 470-135.301(36) of the Iowa Administrative Code.
- C. No application for reinstatement may be filed for a period of at least six months from the date of this Order.
- D. On application for reinstatement, the Respondent shall allege and bear the burden of proof to establish facts which will be sufficient for the Iowa Board of Medical Examiners to determine that the basis for this suspension alleged in the Complaint and Statement of Charges no longer exists and that it will be in the

public interest for his license to be reinstated.

- E. Any reinstatement of the Respondent's license to practice medicine and surgery may be under terms and conditions of probation.



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Mary L. Ellis, Director  
Iowa Department of 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      | ) | INFORMAL SETTLEMENT |
|                         | ) |                     |
| ROBERT E. PUCELIK, M.D. | ) | 02-86-379           |
|                         | ) |                     |
| RESPONDENT.             | ) |                     |

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COME NOW the Iowa Board of Medical Examiners and the Respondent, Robert E. Pucelik, M.D., and, pursuant to Sections 17A.10 and 258A.3(4) of the Code of Iowa, enter into the following Informal Settlement of the contested case currently on file:

1. The Respondent was issued a license to practice medicine and surgery on January 16, 1984, as evidenced by license number 24048 which is recorded in Book 5, at page 1383, of the permanent records in the office of the Iowa Board of Medical Examiners.

2. The Respondent is currently on probation for a period of five years which commenced under a Commissioner's Order issued on January 12, 1982.

3. A Complaint and Statement of Charges was filed against the Respondent on November 20, 1986.

4. The Iowa Board of Medical Examiners has jurisdiction of the parties and the subject matter.

5. The Director of Public Health shall take appropriate action to amend the Commissioner's Order issued on January 12, 1982, to provide:

A. Respondent's license to practice medicine and surgery shall be suspended indefinitely

effective on the date an Order is issued by the Director of Public Health in this case.

- B. Respondent may apply for reinstatement of his license to practice medicine and surgery in accordance with rule 470-135.301(36) of the Iowa Administrative Code.
  - C. No application for reinstatement may be filed for a period of at least six months from the date of the Order of the Director of Public Health in this case.
  - D. On application for reinstatement, the Respondent shall allege and bear the burden of proof to establish facts which will be sufficient for the Iowa Board of Medical Examiners to determine that the basis for this suspension alleged in the Complaint and Statement of Charges no longer exists and that it will be in the public interest for his license to be reinstated.
  - E. Any reinstatement of the Respondent's license to practice medicine and surgery may be under terms and conditions of probation.
6. The Respondent acknowledges that he has voluntarily, with full knowledge and consent, entered into this Informal Settlement with the Iowa Board of Medical Examiners.

7. This Informal Settlement is subject to the approval of the Iowa Board of Medical Examiners. If the Board fails to approve this settlement, it shall be of no force or effect for either party.

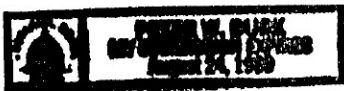
8. This Informal Settlement shall resolve the Complaint and Statement of Charges currently pending against the Respondent. Upon execution of this Informal Settlement the Complaint and Statement of Charges shall be dismissed.

This Informal Settlement is entered into by the Respondent, Robert E. Pucelik, M.D., and the Iowa Board of Medical Examiners on this 5<sup>TH</sup> day of March, 1987.


Robert E. Pucelik  
ROBERT E. PUCELIK, M.D.

Subscribed and sworn to before me this 19 day of February, 1987.

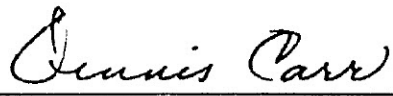
John W. Deel  
Notary Public in and for the State of Iowa



IOWA BOARD OF MEDICAL EXAMINERS

By   
Hormoz Rassekh, M.D., Chairman

Subscribed and sworn to before me this 5<sup>th</sup> day of  
March, 1987.

  
Notary Public in and for the  
State of 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 : COMPLAINT AND STATEMENT  
ROBERT EDWARD PUCELIK, M.D. : OF CHARGES  
RESPONDENT : 02-86-379

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COMES NOW William S. Vanderpool, Executive Director of the Iowa State Board of Medical Examiners, on the 20 day of Nov., <sup>5:40</sup><sub>2/3/95</sub> 1986, and files this Complaint and Statement of Charges against Robert Edward Pucelik, M.D., a physician licensed pursuant to Chapter 147, Code of Iowa and alleges:

1. That Mary Ellis is the duly appointed and qualified Director of Public Health of the state of Iowa.

2. That Hormoz Rassekh, M.D., Chairman, Richard L. Carruthers, D.O., Vice Chairman, Marian C. Bourek, Secretary, John Anderson, M.D., Elizabeth Coyte, P.A., Dorothy J. Gildea, M.D., Reid E. Motley, M.D., Ann O'Neill, Norman Rose, D.O. and Robert B. Stickler, M.D. are the duly appointed and qualified officers and members of the Iowa State Board of Medical Examiners.

3. That the Respondent is a resident of Independence, Iowa and was issued license number 24048 to practice medicine and surgery in the state of Iowa on January 16, 1984, as recorded in Book 5 Page 1393 of the permanent records in the office of the Iowa State Board of Medical Examiners.

4. That the Respondent's license is current until

January 31, 1987.

5. That on January 12, 1982, the Commissioner of Public Health entered an order placing the Respondent's medical license on probation under certain terms and conditions.

6. That paragraph 7 of the Commissioner's Order dated January 12, 1982 states "That the Respondent shall demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa."

7. That paragraph 8 of the Commissioner's Order dated January 12, 1982 states "That Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa."

8. That on repeated occasions in 1986 the Respondent diverted sample medications to his use by the falsification of records. Therefore, the Respondent is guilty of a violation of sections 204.306, 204.403(1)(c), and 148.6(1)(a) of the Code of Iowa, and 470-135.204(3) of the Administrative Rules which state:

204.306 Records of registrants. Persons registered to manufacture, distribute, dispense, or administer controlled substances under this chapter shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of federal law and with such additional rules as may be issued by the board.....

204.403(1)(c) It is unlawful for any person knowingly or intentionally: To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;

148.6(1)(a) Knowingly making misleading, deceptive, untrue or fraudulent representation in the practice of the physician's profession.

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.

9. That the Respondent is guilty of a violation of section 148.6(l)(i) of the Code of Iowa, which states:

148.6(l)(i) Willful or repeated violation of lawful rule or regulation promulgated by the board or violating a lawful order of the board, previously entered by the board in a disciplinary hearing.

10. That the Respondent is guilty of a violation of Rule 470-135.204(15) of the Iowa Administrative Code which states:

470-135.204(15) Violating a lawful order of the board, previously entered by the board in a disciplinary hearing.

11. That on repeated occasions in 1986 the Respondent took Tranxene without a legitimate medical purpose and consumed alcohol in excessive amounts.

12. That the Respondent is guilty of a violation of Section 147.55(4) of the Code of Iowa, which states:

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

13. That the Respondent is guilty of a violation of Section 148.6(h) of the Code of Iowa, which states:

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....

14. That the Respondent is guilty of a violation of Rule 470-135.204(4), of the Administrative Code of Iowa which states:

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 or her profession with reasonable skill and safety.

15. That the Respondent is guilty of a violation of Rule 470-135.204(13), of the Administrative Code of Iowa which states:

470-135.204(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.

16. That the Respondent is guilty of a violation of Rule 470-135.204(15) of the Iowa Administrative Code which states:

470-135.204(15) Violating a lawful order of the board, previously entered by the board in a disciplinary hearing.

17. That paragraphs 8, 9, 10, 12, 13, 14, 15 and 16 constitute grounds for revocation of the license to practice medicine and surgery issued to the Respondent on January 16, 1984.

WHEREFORE the undersigned charges that Robert Edward Pucelik, M.D. has violated Sections 148.6(1)(a), 148.6(1)(i), 147.55(4), 148.6(h), 204.306, 204.403(1)(c) of the Code of Iowa and Rules 470-135.204(3), 470-135.204(4), 470-135.204(13), 470-135.204(15) of the Iowa Administrative Code and the undersigned prays that the Board enter an order fixing a time and place of hearing for the Complaint and Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to suspend or revoke the license to practice medicine and surgery issued to Robert Edward Pucelik, M.D., on January 16, 1984, and for such other relief as the Board deems just in the Premises.

IOWA BOARD OF MEDICAL EXAMINERS



*William S. Vanderpool*

William S. Vanderpool, Executive Director  
State Capitol Complex  
Executive Hills West  
Des Moines, Iowa 50319  
Telephone: (515) 281-6493