

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT

AND STATEMENT OF CHARGES AGAINST

VICTOR L. ROMERO, M.D.

RESPONDENT

ORDER

02-87-217

NOW on this 29th day of November, 1988, 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, Victor L. Romero, M.D., was issued license number 19646 to practice Medicine and Surgery in the State of Iowa, on February 19, 1975 as evidenced in Book XXXXXX Page XXXXXXXXXXXX of the permanent records in the Office of the Iowa State Board of Medical Examiners.

2. A Complaint and Statement of Charges was filed against the Respondent on July 9, 1987 and a hearing was held on the said Complaint and Statement of Charges before a three member panel of the Iowa State Board of Medical Examiners on September 29, 1988.

3. A Proposed Decision and Order of The Panel was presented on October 24, 1988. Said Proposed Decision was accepted without appeal by the Iowa State Board of Medical Examiners on November 10, 1988.

4. On October 25, 1988 a copy of the said Proposed Decision and Order of the Panel was sent via U.S. First Class certified mail to the Respondent at his last known address.

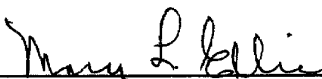
5. Pursuant to Rule ^{653-12.50(29)} ~~XXXXXX~~ of the Iowa Administrative Code, on November 24, 1988, thirty (30) days having passed and no appeal of the said Proposed Decision having been filed by the Respondent or any other party to the proceeding, the said Proposed Decision and Order of the Panel became a final order of the Board.

6. Pursuant to Sections 148.6(1) and 148.7(7)(b) of the Code of Iowa, and the Rule ^{653-12.50(31)} ~~XXXXXX~~, of the Iowa Administrative Code, the Director of Public Health is authorized to enter an Order herein.

7. THEREFORE IT IS HEREBY ORDERED:

A. That license number 19646 issued to the Respondent, Victor L. Romero, M.D., on February 19, 1975, to practice Medicine and Surgery in the State of Iowa, is hereby revoked.

B. The Respondent, Victor L. Romero, M.D., shall ~~XXXXXXXXXX~~ deliver Iowa medical license number 19646 to the Iowa State Board of Medical Examiners at its offices located at 1209 East Court Avenue, Des Moines, Iowa 50319, within 30 days of the date of this Order.



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

IN THE MATTER OF THE COMPLAINT)	FINDINGS OF FACT,
AND STATEMENT OF CHARGES AGAINST)	CONCLUSIONS OF LAW,
)	PROPOSED DECISION AND
Victor L. Romero, M.D.,)	ORDER
Respondent)	
)	No. 02-87-217
)	DIA NO. 88DPHMB-24

TO: Victor L. Romero, M.D.,

A Complaint and Statement of Charges were filed by the Executive Director of the Iowa State Board of Medical Examiners (hereinafter the Board) on July 9, 1987 alleging that:

1. On April 15, 1987, the Minnesota Board of Medical Examiners entered Findings of Fact, Conclusions, Memorandum, and Order concerning the Respondent's license to practice medicine in Minnesota.

2. As of May 22, 1987, the Respondent had not notified the Iowa Board of the Minnesota Board's action.

3. The Respondent violated Iowa Code section 148.6(1)(d), and 470 Iowa Administrative Code 135.204(10).

A hearing on the above Complaint and Statement of Charges was held in the State Board Conference Room, Executive Hills West, Des Moines, Iowa on August 17, 1988 at 11:00 a.m. A three Board member panel was present for the hearing. The members of the panel were Charlotte Cleavenger, D.O., Dorothy J. Gildea, M.D., and Robert B. Stickler, M.D. Present also was Julie Pottorff, Assistant Attorney General, who appeared for the State. The Respondent, Victor L. Romero, M.D., did not appear nor was he represented by counsel. Present also were members of the staff of the Board and a court reporter. The record was held open at Respondent's request for receipt of additional evidence to be submitted by the Respondent. After receipt of such evidence, the panel held deliberations on September 29, 1988. The undersigned Administrative Law Judge for the Iowa Department of Inspections and Appeals presided and was directed to prepare this Proposed Decision and Order of the Panel.

THE RECORD

The evidentiary record in this case includes the Complaint and Statement of Charges, the Order for Hearing, the Original Notice, the recorded testimony of the witness, and the following Exhibits:

- State's Exhibit 1 - Certified copy of the Minnesota Findings of Fact, Conclusions and Recommendation by the Minnesota Administrative Law Judge
- State's Exhibit 1A - Certified copy of the Minnesota Board's Findings of Fact, Conclusions, Memorandum and Order
- State's Exhibit 1B - Copy of a cover letter from the Minnesota Board concerning disciplinary action regarding Victor Romero, M.D.
- State's Exhibit 2 - Letter 9-3-87 (Thomson to Vanderpool)
- State's Exhibit 3 - Letter 11-25-87 (Pottorff to Ellis)
- State's Exhibit 4 - Letter 12-10-87 (Ellis to Pottorff)
- State's Exhibit 5 - Letter 3-21-88 (Pottorff to Ellis)
- State's Exhibit 6 - Proof of Service
- Respondent's Exhibit- Respondent's Statement, Brief, and letters in support of Dr. Romero

FINDINGS OF FACT

1. Victor L. Romero, M.D., was issued license number 19646 to practice medicine and surgery in the State of Iowa on February 19, 1975, and license number 19646 is current until March 1, 1989. (testimony of Michael C. Archibald).
2. Michael C. Archibald, chief investigator for the Iowa Board of Medical Examiners, investigates complaints and monitors disciplinary actions in other states through monthly review of the Disciplinary Action Report prepared by the Federation of State Medical Boards of the United States. Each month the Board routinely checks all of the names listed to see if any of the doctors disciplined in other states are also licensed in Iowa. (testimony of Mr. Archibald).
3. In April 1987 the Board received a report from the Minnesota Board of Medical Examiners regarding Victor L. Romero, M.D. In reviewing the report together with the list of Iowa licensees, Mr. Archibald discovered that the Respondent was also licensed to practice medicine and surgery in Iowa. (testimony of Mr. Archibald; State's Exhibits 1, 1A, 1B).

4. The Iowa Board contacted the Minnesota Board and requested a certified copy of documents relating to the disciplinary action taken against the Respondent's Minnesota license. The certified copy of the Minnesota documents was received by the Iowa Board in April, 1987. In an Order dated April 15, 1987, the Minnesota Board immediately suspended Respondent's Minnesota license and ordered medical, psychiatric and psychological evaluation of the Respondent for unprofessional conduct and unethical conduct related to sexual contact with five patients. (testimony of Mr. Archibald; State's Exhibits 1A, 1B, 1, 2, 3, 4, 5; Respondent's Exhibit).

5. The Respondent did not notify the Iowa Board of the disciplinary action taken by the Minnesota Board against his Minnesota license within thirty (30) days of the disciplinary action. (testimony of Mr. Archibald; State's Exhibits 1A, 1B, 1).

CONCLUSIONS OF LAW

1. The Respondent was properly served with the Original Notice, Order of Hearing, and Complaint and Statement of Charges on July 16, 1987. Respondent's Minnesota attorneys indicated Respondent would not appear and they would not appear at the hearing on August 17, 1988. (professional statement by Ms. Pottorff; testimony of Mr. Archibald; State's Exhibit 6).

2. 470 Iowa Administrative Code 135.301(20) provides:

"If a Respondent, upon whom a proper notice of hearing has been served, fails to appear either in person or by counsel at the hearing, the Board or hearing panel shall proceed with the conduct of the hearing, and the Respondent shall be bound by the results of such hearing to the same extent as if he/she were present."

3. Iowa Code section 148.6(1) provides in pertinent part:

"In addition to the provisions of section 147.58 to 147.71, the medical examiners after due notice and hearing may direct the director of public health to issue an order to revoke or suspend a license to practice medicine and surgery, . . . for any of the grounds set forth in section 147.55 or if after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery, . . . is guilty of any of the following acts or offenses:

. . .

(d) Having the license to practice medicine and surgery, . . . revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, . . .".

The preponderance of the evidence established that the Respondent violated Iowa Code section 148.6(1)(d).

4. 470 Iowa Administrative Code section 135.204(10) provides in pertinent part:

"Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 135.202, including civil penalties in any amount not to exceed \$1,000.00, when the board determines that the licensee is guilty of any of the following acts or offenses:

. . .

(10) Failure to report a license revocation, suspension or other disciplinary action taken by a licensing authority of another state, . . . within thirty days of the final action by such licensing authority . . .".

The preponderance of the evidence showed that the Respondent violated 470 I.A.C. section 135.204(10).

DECISION AND ORDER

The Respondent's Minnesota license was immediately suspended and evaluation of the Respondent was ordered by the Minnesota Board of Medical Examiners for unprofessional and unethical conduct related to sexual contact with five patients. The Respondent did not report this disciplinary action to the Iowa Board as required. Protection of the public requires that the Respondent be prohibited from practicing in Iowa. Therefore, it is hereby ORDERED that when this Proposed Decision and Order of the Panel becomes a final decision, the Director of Public Health of the State of Iowa shall enter an Order providing that Iowa license number 19646 issued to the Respondent, Victor L. Romero, M.D., is hereby revoked. The Respondent or his attorneys will turn in license number 19646 to the Iowa Board within thirty (30) days of receipt of the Order.

The Respondent is hereby notified that he may appeal this decision by filing written notice of appeal with the Board within 30 days after service of this proposed Decision and Order pursuant to 653 I.A.C. §12.50(29).

Dated this 24th day of October, 1988.

Charlotte Cleavenger
Charlotte Cleavenger, D.O.

Dorothy J. Gildea
Dorothy J. Gildea, M.D.

Robert B. Stickler
Robert B. Stickler, M.D.

Amy Christensen Couch
Amy Christensen Couch
Administrative Law Judge
Department of Inspections and Appeals

ACC/fah

Before The Board of Medical Examiners
Of The State of Iowa

IN THE MATTER OF THE COMPLAINT)	
AND STATEMENT OF CHARGES AGAINST)	ORDER
)	
Victor L. Romero, M.D.,)	
)	FILE NO. 02-87-217
RESPONDENT)	DIA NO. 88DPHMB-24

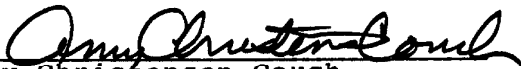
Hearing on the above case was held on August 17, 1988. The Respondent requested that Julie Pottorff convey his request to the panel that the record be held open so that he could submit a statement. This request is granted subject to the following conditions:

(1) The Respondent's statement must be received in the office of the Iowa Board of Medical Examiners no later than September 26, 1988. No further extensions will be granted. If the statement is not received by the Board, the Board panel will make its decision based on the evidence received at the August 17 hearing.

(2) The Board panel will deliberate at the regularly scheduled September Board meeting. This will be for deliberation only and neither party may appear. The Board panel will then issue its proposed decision.

(3) Disciplinary action was taken by the Minnesota Board of Medical Examiners against the Respondent's license. The Respondent failed to report this to the Iowa Board of Medical Examiners within thirty days. Therefore, the Respondent's license number 19646 to practice medicine and surgery in the State of Iowa is hereby temporarily suspended until the Board panel issues its proposed decision or until further Order of the Iowa Board of Medical Examiners.

Dated this 18th day of August, 1988.


Amy Christensen Couch
Administrative Law Judge
for the Board panel

ACC/nlh

Copy to:

Deborah Ellis
Thomson, Hawkins & Ellis, LTD
Suite 300
345 St. Peter Street
St Paul, MN 55102

Julie F. Pottorff
Assistant Attorney General
Second Floor, Hoover Building
Des Moines, IA 50319

William Vanderpool
Iowa Board of Medical Examiners
Executive Hills West
LOCAL

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
VICTOR L. ROMERO, M.D. : OF CHARGES
RESPONDENT : 02-87-217

COMES NOW William S. Vanderpool, Executive Director of the Iowa State Board of Medical Examiners, on the 9th day of July 1987, and files this Complaint and Statement of Charges against Victor L. Romero, 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, John Anderson, M.D., Vice Chairman, Ann O'Neill, Secretary, Marian C. Bourek, Elizabeth Coyte, P.A., Dorothy J. Gildea, M.D., John W. Olds, M.D., Norman Rose, D.O., C. LaVern Peterson, 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 Minnesota and was issued license number 19646 to practice medicine and surgery in the State of Iowa on February 19, 1975, as recorded in Book 4, Page 1123 of the permanent records in the office of the Iowa State Board of Medical Examiners.

4. That the Respondent's license is current until February 23, 1989.

5. That on the 15th day of April, 1987, the Minnesota Board of Medical Examiners entered a Findings of Fact, Conclusions, Memorandum and Order concerning the Respondent's Minnesota license to practice medicine and surgery. A copy of that document is attached hereto and by this reference made a part hereof.

6. That as of the 22nd day of May, 1987, the Respondent had not notified the Iowa Board of Medical Examiners of the actions taken by the Minnesota Board.

7. That the Respondent is guilty of a violation of Section 148.6(d) of the Code of Iowa which states as ground for disciplinary action:

148.6(d) - Having the license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

8. That the Respondent is guilty of a violation of Rule 470-135.204(10) of the Administrative Code of Iowa which states as ground for disciplinary action:


470-135.204(10) - Failure to report a license revocation, suspension or other disciplinary action taken by a licensing authority of another state, territory or country within thirty days of the final action by such licensing authority. A stay by an appellate court shall not negate this requirement, however, if

such disciplinary action is overturned or reversed by a court of last resort, such report shall be expunged from the records of the board.

9. That paragraphs 5, 6, 7 and 8 constitute grounds for revocation of the license to practice medicine and surgery issued to the Respondent on February 19, 1975.

WHEREFORE the undersigned charges that Victor L. Romero has violated Section 148.6(d) of the Code of Iowa and Rule 470-135.204(10) of the Administrative Code of Iowa 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 Victor L. Romero on February 19, 1975, and for such other relief as the Board deems just in the premises.

IOWA BOARD OF MEDICAL EXAMINERS



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