

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

* * * * *

IN THE MATTER OF THE COMPLAINT : 02-87-425
AND STATEMENT OF CHARGES AGAINST : ORDER
KATHLEEN AVILA MCMAHON, M.D : TO TERMINATE
RESPONDENT : PROBATION

* * * * *

BE IT REMEMBERED, that on March 26 1992, 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 25948 issued to Kathleen Avila McMahon, M.D.
(hereafter the Respondent) on March 30, 1987 and the said
Director of Public Health having reviewed the file and being
otherwise fully advised in the premises FINDS:

1. That on December 12, 1990, an Order was issued by the
Director of Public Health of the state of Iowa, placing the
license to practice medicine and surgery, number 25948, issued to
the Respondent on March 30, 1987, on probation for a two 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 25948, issued on March 30, 1987 should be terminated and that the said license be restored to full privileges free and clear of any restrictions, IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice medicine and surgery, number 25948, is terminated and the said license is hereby returned to its full privileges free and clear of all restrictions.



Christopher G. Atchison
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

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : ORDER
KATHLEEN A. MCMAHON, M.D. : 02-87-425
RESPONDENT :

NOW on DECEMBER 12, 1990, 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 being fully advised in the premises FINDS:

I. That Kathleen A. McMahon, M.D. (hereafter the Respondent), was issued a license to practice medicine and surgery in Iowa, on March 30, 1987, as evidenced by certificate number 25948, which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners (hereafter the Board).

II. That a Complaint and Statement of Charges was filed against the Respondent, on May 10, 1990, and was scheduled to be heard before the Board.

III. That the Board has jurisdiction of the parties and the subject matter herein.

IV. That the Director of Public Health is authorized to enter an order herein under the provisions of sections 148.6(1) and 148.7(7), of the 1989 Code of Iowa, as amended, and rule 653-12.50(31), of the Iowa Administrative Code.

V. That pursuant to the provisions of sections 17A.10 and 258A.3(4) of the 1989 Code of Iowa, as amended, the Respondent and the Board have entered into an Informal Settlement providing that the undersigned should enter an Order placing the Respondent's license to practice medicine and surgery in Iowa on probation for a term of two (2) years under certain terms and conditions.

VI. THEREFORE IT IS HEREBY ORDERED that license number 25948 issued to the Respondent on March 30, 1987, to practice medicine and surgery in the state of Iowa, is placed on probation for a period of two (2) years under the following terms and conditions:

- A. That within thirty (30) days after the date of this Order, the Respondent shall pay a civil penalty of \$1,000 by delivering a check made payable to the Treasurer of Iowa to the Executive Director of the Board. The check shall be deposited into the general fund.
- B. That the Respondent shall, by January 15, 1991, submit to an inpatient evaluation as recommended by the preliminary evaluation of October 18, 1990, performed pursuant to the Board's Order. Thereafter the Respondent shall cooperate with the recommendations of the inpatient evaluation including compliance with any recommended treatment program and any aftercare plan.
- C. That the Respondent shall, within thirty (30) days after inpatient evaluation as provided in paragraph B above, submit to the Board for approval the names and curriculums vitae of three physicians or counselors practicing in Iowa:
 - (1) As a condition of approval the physicians or counselors

shall agree to report to the Board on Respondent's treatment on a quarterly basis or upon request.

(2) The Respondent shall continue treatment or counseling until discharged from treatment by the physician or counselor.

- D. That the Respondent shall not use any controlled or prescription drug in any form unless prescribed for her by another duly licensed, treating physician. The Respondent shall inform any treating physician of the terms of the Informal Settlement prior to accepting any medication.
- E. That the Respondent shall submit to witnessed blood and/or urine samples on demand by a designee of the Board. The samples shall be used for alcohol and drug screening all costs of which shall be paid by the Respondent.
- F. That the Respondent shall not prescribe, administer, or dispense any controlled or prescription drugs for herself or any immediate family member.
- G. That the Respondent shall not prescribe, possess, administer or dispense any controlled drugs except the Respondent may prescribe schedule IV and V drugs for patients in the practice of psychiatry.
- H. That the Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of the Informal Settlement and this Order.
- I. That the Respondent shall make appearances annually and/or upon request before the Board or a committee of the Board.

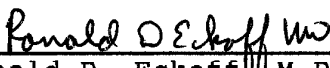
The Respondent shall be given reasonable notice of the date, time and place for the appearances.

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

VII. That in the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement or this Order.

VIII. That in the event the Respondent violates or fails to comply with any of the terms or provisions of the Informal Settlement or this Order, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code sections 148.6(1) and 258A.3(2) and rule 653-12.2 of the Iowa Administrative Code.

IX. That upon full compliance with the terms and conditions set forth in the Informal Settlement and this Order, and upon expiration of the period of probation, the Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.



Ronald D. Eckhoff M.D., M.P.H.
Acting Director
Iowa Department of Public Health
Robert Lucas State Office Building
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)	NO. 02-87-425
)	
KATHLEEN A. McMAHON, M.D.,)	
)	
RESPONDENT.)	INFORMAL SETTLEMENT

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

1. The Respondent was issued license no. 25948 to practice medicine and surgery in Iowa on March 30, 1987.
2. A Complaint and Statement of Charges was filed against the Respondent on May 10, 1990.
3. The Board has jurisdiction of the parties and the subject matter.
4. The Director of Public Health shall take appropriate action to place the Respondent's license on probation for a period of two years under the following terms and conditions:
 - A. Within thirty (30) days after the date of the Director's Order in this case, the Respondent shall pay a civil penalty of \$1,000.00 by delivering a check made payable to the Treasurer of Iowa to the Executive Director of the Board.

The check shall be deposited into the general fund.

- B. The Respondent shall, by January 15, 1991, submit to an inpatient evaluation as recommended by the preliminary evaluation of October 18, 1990, performed pursuant to the Board's Order.

Thereafter the Respondent shall cooperate with the recommendations of the inpatient evaluation including compliance with any recommended treatment program and any aftercare plan.

- C. The Respondent shall within thirty (30) days after inpatient evaluation as provided in ¶ B submit to the Board for approval the names and curriculum vitae of three physicians or counselors practicing in Iowa:

(1) As a condition of approval the physicians or counselors shall agree to report to the Board on Respondent's treatment on a quarterly basis or upon request.

(2) The Respondent shall continue treatment or counseling until discharged from treatment by the physician or counselor.

- D. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for her by another duly licensed, treating

physician. The Respondent shall inform any treating physician of the terms of this Informal Settlement prior to accepting any medication.

- E. The Respondent shall submit to witnessed blood and/or urine samples on demand by a designee of the Board. The samples shall be used for alcohol and drug screening all costs of which shall be paid by the Respondent.
- F. The Respondent shall not prescribe, administer, or dispense any controlled or prescription drugs for herself or any immediate family member.
- G. The Respondent shall not prescribe, possess, administer or dispense any controlled drugs except the Respondent may prescribe schedule IV and V drugs for patients in the practice of psychiatry.
- H. The Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of this Informal Settlement.
- I. The Respondent shall make appearances annually and/or upon request before the Board or a committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearances.
- J. The Respondent shall obey all federal, state, and local

laws, and all rules governing the practice of medicine in Iowa.

5. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement.

6. In the event the Respondent violates or fails to comply with any of the terms or provisions of this Informal Settlement, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code §§ 148.6(1) and 258A.3(2) and 653 Iowa Admin. Code § 12.2.

7. Upon full compliance with the terms and conditions set forth in this Informal Settlement and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.

8. Execution of this Informal Settlement constitutes a resolution of the pending contested case and the underlying facts upon which the Complaint and Statement of Charges is based.

9. This Informal Settlement is subject to approval of the Board. If the Board fails to approve this Informal Settlement, it shall be of no force or effect to either party.

10. This Informal Settlement is voluntarily submitted by the Respondent to the Board for consideration.

Kathleen A. McMahon
KATHLEEN A. McMAHON, M.D.

Subscribed and sworn to before me on this 3rd day of December, 1990.

George H. King
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

This Informal Settlement is accepted by the Iowa Board of Medical Examiners on the 6th day of December, 1990.

John R. Anderson
JOHN ANDERSON, M.D., Chairman
Iowa Board of Medical Examiners

Subscribed and sworn to before me on this 6th day of December, 1990.

James Carr
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

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
KATHLEEN A. McMAHON : OF CHARGES
RESPONDENT : 02-87-425

* * * * *

COMES NOW William S. Vanderpool, Executive Director of the Iowa State Board of Medical Examiners, on May 10, 1990, and at the direction of the Board files this Complaint and Statement of Charges against Kathleen A. McMahon, M. D., a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. That Ronald D. Eckoff, M.D, M.P.H., is the duly appointed, acting Director of Public Health of the State of Iowa.
2. That John R. Anderson, M.D., Chairman; C. L. Peterson, D.O., Vice Chairman; Edra Broich, Secretary; Charlotte Cleavenger, D.O; Donna Drees, M.D.; John W. Olds, M.D.; Ann O'Neill; George G. Spellman, Sr., M.D.; 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 Cherokee County, Iowa and was issued license number 25948 to practice medicine

and surgery in the State of Iowa on March 30, 1987, as recorded in the permanent records in the office of the Iowa State Board of Medical Examiners.

4. That the Respondent's license is current until December 1, 1991.

5. That on or about April 10, 1987, in the Court of Common Pleas, Allegheny County, Pennsylvania, the Respondent entered a plea of Nolo Contendere to a violation of the Pennsylvania, Controlled Substance, Drug, Device and Cosmetic Act: Distribution by Practitioner in Bad Faith, a felony crime. Based upon the said plea, on or about May 29, 1987, the Respondent was sentenced by the said Court to five years probation and to pay the cost of prosecution. As special rules of probation, the Court ordered that the Respondent continue drug treatment and evaluation, and that the Respondent not be allowed to dispense Schedule 2, 2N, 3 or 3N, controlled drugs during the period of probation.

6. That on or about June 26, 1987, an Order was issued by the Pennsylvania Bureau of Professional and Occupational Affairs, directing that the Respondent return her wall medical license certificate, wallet card and registration certificate to the said Bureau, as her license had been automatically suspended upon her plea of Nolo Contendere to the felony crime previously referred to in paragraph 5 of this Complaint and Statement of Charges.

7. That on or about February 17, 1987, the Respondent filed an application for permanent medical licensure with the Iowa State Board of Medical Examiners. That as part of the completion of the said application, the Respondent falsely answered No to the following application questions:

- 14 I: Are you now or have you ever been addicted to or excessively used alcohol, narcotics, barbiturates or habit-forming drugs?
- 14 J: Are you now or have ever been emotionally or or mentally ill? Have you ever received psychotherapy? Have you ever been treated, but not hospitalized for mental or emotional illness, drug addiction, or alcohol problems?

8. That the Iowa State Board of Medical Examiners is authorized to take disciplinary action against the Respondent pursuant to the provisions of section 148.6(1), 148.6(1)(a), 148.6(1)(b), 148.6(1)(d), and 148.6(1)(i) of the Code of Iowa which state in whole or in part:

148.6(1) - "In addition to the provisions of sections 147.58 to 147.71, the medical examiners after due notice and hearing may direct the director or public health to issue an order to revoke or suspend the license to practice medicine and surgery..., or to discipline a person licensed to practice medicine and surgery...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:"

148.6(1)(a) - "Knowingly making misleading, deceptive, untrue or fraudulent representation in the practice of the

physician's profession."

148.6(1)(b) - "Being convicted of a felony in the courts of...another state..."

148.6(1)(d) - "Having the license to practice medicine and surgery...suspended...by a licensing authority of another state..."

148.6(1)(i) - "Willful or repeated violation of lawful rule or regulation promulgated by the Board..."

9. That the Iowa State Board of Medical Examiners is authorized to take disciplinary action against the Respondent pursuant to the provisions of rules 653-12.4, 653-12.4(1), 653-12.4(3), 653-12.4(3)(a), 653-12.4(5), 653-12.4(15) and 653-12.4(28) of the Iowa Administrative Code which state in whole or in part:

653-12.4 - "Grounds for discipline. The Board may impose any of the disciplinary sanctions set forth in rule 12.2 including civil penalties in an amount not to exceed \$1000, when the board determines that the licensee is guilty of any of the following acts or offenses:"

653-12.4(1) - "Fraud in procuring a license, Fraud in procuring a license includes, but is not limited to, an intentional perversion of the truth in making application for licensure to practice medicine and surgery..."

653-12.4(3) - "Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession..."

653-12.4(3)(a) - "Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession includes...an intentional perversion of the truth, either orally or in writing, by a physician in the practice of medicine and surgery...and includes any representation contrary to their legal or equitable duty..."

653-12.4(5) - "Conviction of a felony related to the profession or occupation of the licensee..."

653-12.4(15) - "Willful or repeated violation of lawful rule or regulation promulgated by the board."

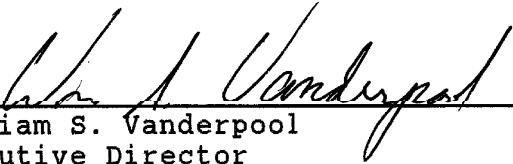
653-12.4(28) - "Violating any of the grounds for the revocation or suspension of a license listed in Iowa Code sections...148.6"

10. That paragraphs 8 and 9 constitute grounds for the Iowa State Board of Medical Examiners to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent, Kathleen A. McMahon, M.D., on March 30, 1987.

WHEREFORE the undersigned charges that the Respondent, Kathleen A. McMahon, M.D., is subject to disciplinary action pursuant to the provisions of sections 148.6(1), 148.6(1)(a), 148.6(1)(b), 148.6(1)(d) and 148.6(1)(i) of the Code of Iowa and rules 653-12.4, 653-12.4(1), 653-12.4(3), 653-12.4(3)(a), 653-12.4(5), 653-12.4(15), and 653-12.4(28) 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 State-

ment of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent, Kathleen A. McMahon, M.D., on March 30, 1987, and for such other relief as the Board deems just in the premises.

IOWA STATE BOARD OF MEDICAL EXAMINERS



William S. Vanderpool
Executive Director
Executive Hills West
1209 E. Court Avenue
Des Moines, Iowa 50319
(515) 281-5171