

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA


IN THE MATTER OF THE :
APPLICATION OF : AMENDED CONSENT AGREEMENT
RICHARD LEE HAUSER, M.D. : 02-90-225
APPLICANT :

BE IT REMEMBERED:

I: That on April 27, 1992, Richard Lee Hauser, M.D. (hereafter the applicant), filed an application with the Iowa State Board of Medical Examiners (hereafter the Board), seeking certain amendments to a Consent Agreement entered into between the Applicant and the Board on June 27, 1991 (hereafter the Consent Agreement).

II: On July 16, 1992, the Board considered the Applicant's application and voted to authorize the amendments to the Consent Agreement by deleting paragraph 3.

THEREFORE IT IS HEREBY ORDERED that paragraph 3 of the Consent Agreement be deleted.



C. L. Peterson, D.O., Chairperson
IOWA STATE BOARD OF MEDICAL EXAMINERS
1209 East Court Avenue
Des Moines, IA 50319-0180

7/23/92
Date

FILE

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

* * * * *
IN THE MATTER OF THE :
COMPLAINT AND STATEMENT OF CHARGES : CONSENT AGREEMENT
RICHARD LEE HAUSER, M.D. : 02-90-225
RESPONDENT :

* * * * *

COMES NOW the Iowa State Board of Medical Examiners, (hereinafter the Board), and Richard Lee Hauser, M.D. (hereinafter the Respondent), and agree to issuance of a permanent license to practice medicine and surgery in Iowa under the following terms and conditions of probation to be in effect until October 17, 1995.

1. The Respondent shall abstain from the use of alcohol.
2. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by a duly licensed, treating physician or other person authorized to prescribe drugs. The Respondent shall inform any treating physician or other person authorized to prescribe drugs of the terms of this Consent Agreement prior to accepting any medication.
3. The Respondent shall continue to submit to witnessed urine samples daily under conditions previously approved by the Board. Daily samples shall be screened on a random basis for alcohol and drugs all costs of which shall be paid by the Respondent.

4. 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.

5. The Respondent shall attend at least three (3) meetings of Alcoholics Anonymous or a similar organization weekly.

6. The Respondent shall continue treatment or counseling with an approved physician or counselor until discharged and discharge is approved by the Board.

7. The Respondent shall submit quarterly, notarized reports stating that there has been compliance with all the terms of this Consent Agreement. The quarterly report shall include:

(a) A statement that the Respondent has abstained from the use of alcohol.

(b) A statement that the Respondent has abstained from the use of all controlled or prescription drugs not prescribed for him by another duly licensed treating physician or other person authorized to prescribe drugs and a list of any controlled or prescription drugs prescribed for him by another duly licensed, treating physician or other person authorized to prescribe drugs. The list shall include the name and amount of the drug prescribed, the date of the prescription and the name of the person prescribing the drug.

(c) A list of all meetings of Alcoholics Anonymous or a similar organization the Respondent has attended to

include:

(1) Written documentation of the Respondent's attendance at each meeting signed or initialed by another person in attendance; and

(2) The date, time and location of each meeting attended.

8. 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.

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

10. 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 this Consent Agreement.

11. In the event the Respondent violates or fails to comply with any of the terms or provisions of this Consent Agreement, 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), 258A.3(2) and 653 Iowa Administrative Code section 12.2.

12. Upon full compliance with the terms and conditions set forth in this Consent Agreement 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.

13. This Consent Agreement is subject to approval of the

Board. If the Board fails to approve this Consent Agreement, it shall be of no force or effect to either party.

14. This Consent Agreement is voluntarily submitted by the Respondent to the Board for consideration.

Richard Lee Hauser M.D.
RICHARD LEE HAUSER, M.D.

Subscribed and Sworn to before me on this 24 day of June, 1991.

Dennis J. Kelso #200207
Notary Public in and for the State of
State of Iowa
My Commission Expires 4-1-92

This Consent Agreement is accepted by the Iowa State Board of Medical Examiners on the 27th day of June, 1988.

C. L. Peterson D.O.
C. L. Peterson, D.O., Chairman
Iowa State Board of Medical Examiners

Subscribed and sworn to before me on this 28th day of June, 1991.

Judith Brooks
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 : ORDER
RICHARD LEE HAUSER, M.D. : 02-90-225
RESPONDENT :

NOW on September 17, 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 Richard Lee Hauser, M.D., (hereafter the Respondent), was issued a license to practice medicine and surgery in the State of Iowa, on July 14, 1988, as evidenced by certificate number R-4033, 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 August 1, 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)(a) and (c) 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, the Respondent and the Board have entered into an Informal Settlement providing that the undersigned should enter an Order imposing discipline against the Respondent's license to practice medicine and surgery in the state of Iowa.

THEREFORE IT IS HEREBY ORDERED:

A. That license number R-4033 issued to the Respondent on July 14, 1988, to practice medicine and surgery in the state of Iowa is hereby suspended for a period of thirty (30) days commencing September 17, 1990.

B. At the conclusion of the thirty (30) day suspension, and upon payment of the reinstatement fee of \$150.00, the Respondent's license to practice medicine and surgery in the state of Iowa shall be reinstated and shall be on probation for a period of five (5) years under the following terms and conditions:

1. Within thirty (30) days from this date, 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.

2. The Respondent shall abstain from the use of alcohol.

3. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him 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.

4. The Respondent shall submit to witnessed urine samples daily under conditions to be approved by the Board. Daily samples shall be screened on a random basis for alcohol and drugs all costs of which shall be paid by the Respondent.

5. 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.

6. The Respondent shall attend at least three (3) meetings of Alcoholics Anonymous or a similar organization weekly.

7. The Respondent shall within thirty (30) days of the execution of the Informal Settlement submit to the Board for approval the names and curriculum vitae of three physicians or counselors practicing in Iowa. As a condition of approval the physicians or counselors shall agree to report to the Board on Respondent's treatment or counseling on a quarterly basis or upon request. The Respondent shall submit quarterly, notarized reports stating that there has been compliance with all the terms of the Informal Settlement and this Order. The quarterly report shall include:

a. A statement that the Respondent has abstained from the use of alcohol.

b. A statement that the Respondent has abstained from the use of all controlled or prescription drugs not prescribed for him by another duly licensed treating physician and a list of any controlled or prescription drugs prescribed for him

by another duly licensed, treating physician. The list shall include the name and amount of the drug prescribed, the date of the prescription and the name of the prescribing physician.

c. A list of all meetings of Alcoholics Anonymous or a similar organization the Respondent has attended to include:

1. Written documentation of the Respondent's attendance at each meeting signed by another person in attendance; and

2. The date, time and location of each meeting attended.

9. 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.

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

VI. 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.

VII. 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), 258A(2) and 653 Iowa Administrative Code rule 12.2.

VIII. 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, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.

Ronald D Eckoff MD

Ronald D. Eckoff, M.D., M.P.H.
Acting Director
Iowa Department of Public Health
Robert Lucas State Office Building
Des Moines, Iowa 50319

prohibition against the Respondent's prescribing of anabolic steroids, placed upon the Respondent's medical license, as reflected in paragraph (b), page 1, of the Commissioner's Order issued July 19, 1984, is hereby repealed.

Ronald D Eckoff MD

Ronald D. Eckoff, M.D., M.P.H.,
Acting Director
Iowa Department of Public Health
Lucas State Office Building
Des Moines, Iowa 50319-0075

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, the Respondent and the Board have entered into an Informal Settlement providing that the undersigned should enter an Order imposing discipline against the Respondent's license to practice medicine and surgery in the state of Iowa.

THEREFORE IT IS HEREBY ORDERED:

A. That license number R-4033 issued to the Respondent on July 14, 1988, to practice medicine and surgery in the state of Iowa is hereby suspended for a period of thirty (30) days commencing September 17, 1990.

B. At the conclusion of the thirty (30) day suspension, and upon payment of the reinstatement fee of \$150.00, the Respondent's license to practice medicine and surgery in the state of Iowa shall be reinstated and shall be on probation for a period of five (5) years under the following terms and conditions:

1. Within thirty (30) days from this date, 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.

2. The Respondent shall abstain from the use of alcohol.

3. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him 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.

4. The Respondent shall submit to witnessed urine samples daily under conditions to be approved by the Board. Daily samples shall be screened on a random basis for alcohol and drugs all costs of which shall be paid by the Respondent.

5. 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.

6. The Respondent shall attend at least three (3) meetings of Alcoholics Anonymous or a similar organization weekly.

7. The Respondent shall within thirty (30) days of the execution of the Informal Settlement submit to the Board for approval the names and curriculum vitae of three physicians or counselors practicing in Iowa. As a condition of approval the physicians or counselors shall agree to report to the Board on Respondent's treatment or counseling on a quarterly basis or upon request. The Respondent shall submit quarterly, notarized reports stating that there has been compliance with all the terms of the Informal Settlement and this Order. The quarterly report shall include:

a. A statement that the Respondent has abstained from the use of alcohol.

b. A statement that the Respondent has abstained from the use of all controlled or prescription drugs not prescribed for him by another duly licensed treating physician and a list of any controlled or prescription drugs prescribed for him

by another duly licensed, treating physician. The list shall include the name and amount of the drug prescribed, the date of the prescription and the name of the prescribing physician.

c. A list of all meetings of Alcoholics Anonymous or a similar organization the Respondent has attended to include:

1. Written documentation of the Respondent's attendance at each meeting signed by another person in attendance; and

2. The date, time and location of each meeting attended.

9. 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.

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

VI. 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.

VII. 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), 258A(2) and 653 Iowa Administrative Code rule 12.2.

VIII. 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, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.

Ronald D Eckoff MD
Ronald D. Eckoff. M.D., M.P.H.
Acting 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

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : COMMISSIONER'S ORDER
JAMES E. DOLAN, M.D., :
RESPONDENT :

NOW on this 19th day of JUNE, 1984, the above entitled matter having been filed with the Commissioner of Public Health, on the 19th day of JUNE, 1984 and the undersigned Commissioner of Public Health, having reviewed the Informal Settlement entered into by the Respondent and the Iowa Board of Medical Examiners on the 14th day of JUNE, 1984, and being fully advised in the premises, FINDS:

1. That the Respondent and the State Board of Medical Examiners have entered into a stipulation providing that the Order for Revocation with Probation here and after issued, shall be subject to the following terms and conditions in all matters pertaining to the revocation and probation of the Respondent's license to practice medicine and surgery in this state.

IT IS THEREFORE HEREBY ORDERED that the license and certificate to practice medicine and surgery in the state of Iowa hereto for issued to the Respondent, James E. Dolan, M.D., on the 1st day of July 1963, as evidenced by certificate number 16665 which is recorded in Book 3 at Page 642 of the records of the Iowa Department of Health, the same is hereby revoked provided, however, that the execution of this Order be and the same is hereby stayed for a period of two years upon the following terms and conditions.

(a) That the Respondent shall pay a civil penalty in the sum of \$1,000.00. A check in said amount shall be payable to the Treasurer of the State of Iowa and delivered to the Executive Director of the Iowa State Board of Medical Examiners within ten days from the date of this Commissioner's Order.

(b) That the Respondent shall be prohibited from ever prescribing all anabolic steroids in the future.

- 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 abstain from the use of alcohol.
- C. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him 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.
- D. The Respondent shall submit to witnessed urine samples daily under conditions to be approved by the Board. Daily samples shall be screened on a random basis for alcohol and drugs all costs of which shall be paid by the Respondent.
- 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 attend at least three (3) meetings of Alcoholics Anonymous or a similar organization weekly.
- G. The Respondent shall within thirty (30) days of the execution of this Informal Settlement 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 or counseling on a quarterly basis or upon request.
 - (2) The Respondent shall continue treatment or counseling until discharged by the physician or counselor and discharge is approved by the Board.
- H. The Respondent shall submit quarterly, notarized reports stating that there has been compliance with all the terms of

the Informal Settlement. The quarterly report shall include:

(1) A statement that the Respondent has abstained from the use of alcohol.

(2) A statement that the Respondent has abstained from the use of all controlled or prescription drugs not prescribed for him by another duly licensed, treating physician and a list of any controlled or prescription drugs prescribed for him by another duly licensed, treating physician. The list shall include the name and amount of the drug prescribed, the date of the prescription and the name of the prescribing physician.

(3) A list of all meetings of Alcoholics Anonymous or a similar organization the Respondent has attended to include:

(a) Written documentation of the Respondent's attendance at each meeting signed by another person in attendance; and

(b) The date, time and location of each meeting attended.

- 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), 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. 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.


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


RICHARD LEE HAUSER, M.D.

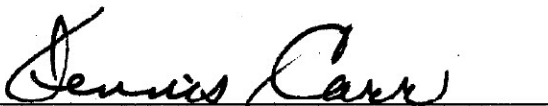
Subscribed and sworn to before me on this 23 day of Aug, 1990.


NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

This Informal Settlement is accepted by the Iowa Board of Medical Examiners on the 13 day of Sept, 1990.


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

Subscribed and sworn to before me on this 13 day of Sept, 1990.


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
RICHARD LEE HAUSER, M.D. : OF CHARGES
RESPONDENT : 02-90-225

* * * * *

COMES NOW William S. Vanderpool, Executive Director of the Iowa State Board of Medical Examiners, (hereafter the Board) on August 1, 1990, and at the direction of the Board files this Complaint and Statement of Charges against Richard Lee Hauser, M.D., (hereafter the Respondent), a resident 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; Ann O'Neill, Secretary; Edra Broich; Charlotte Cleavenger, D.O; Donna Drees, M.D.; John W. Olds, M.D.; George G. Spellman, Sr., M.D.; and Robert B. Stickler, M.D., are the duly appointed and qualified officers and members of the Board.
3. That the Respondent is a resident of Johnson County,

Iowa, and was issued resident physician license number R-4033 to practice in the state of Iowa on July 14, 1988, as recorded in the permanent records in the office of the Board.

4. That the Respondent's license is current until July 14, 1991.

5. That on or about July 14, 1988, the Respondent entered into a Consent Agreement with the Board, which provided for him to become licensed to practice as a resident physician in the state of Iowa, under specific terms and conditions. One of the said conditions being that the Respondent abstain from the consumption of alcohol.

6. That on several occasions from November 1989 through June 1990, the Respondent consumed alcohol in such an amount that it may have impaired his ability to safely and skillfully practice medicine and surgery as a resident physician.

7. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 148.6(1), 148.6(1)(h) and 148.6(1)(i) of the 1989 Code of Iowa, as amended, which state in whole or in part:

148.6(1) - "The medical examiners, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, chapter 258A, or this subsection...

Pursuant to this section the board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:"

148.6(1)(h) - "Inability to practice medicine and surgery...with reasonable skill and safety by reason of...drunkenness, excessive use of...chemicals, or other type material..."

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

8. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of rules 653-12.4, 653-12.4(4) 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 on 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(4) - "Habitual intoxication or addiction to the use of drugs. Habitual intoxication... includes, but is not limited to, the inability of a physician to practice medicine and surgery...with reasonable skill and safety by reason of excessive use of alcohol...which may impair a physician's ability to practice the profession with reasonable skill and safety."


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

9. That paragraphs 7 and 8 constitute grounds for the Board to revoke, suspend or otherwise discipline the resident physician license issued to the Respondent on July 14, 1988.

WHEREFORE the undersigned charges that the Respondent is subject to disciplinary action pursuant to the provisions of

sections 148.6(1), 148.6(1)(h) and 148.6(1)(i) of the 1989 Code of Iowa, as amended, and rules 653-12.4, 653-12.4(4) and 653-12.4(28) of the Iowa Administrative Code. 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 revoke, suspend or otherwise discipline the resident physician license issued to the Respondent on July 14, 1988, 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 East Court Avenue
Des Moines, Iowa 50319-0180
(515) 281-5171

**BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF IOWA**

**IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES AGAINST
RICHARD L. HAUSER, M.D., RESPONDENT**

02-93-320

TERMINATION ORDER

1. That on June 15, 1994, an Order was issued by the Iowa Board of Medical Examiners placing the license to practice medicine and surgery, number 28230 issued to Richard L. Hauser (the Respondent) on July 1, 1991, on probation under certain terms and conditions; and,
2. That on September 27, 1999, the Respondent filed an application with the Board seeking termination of his probation, and:
3. That on September 29, 1999, the Board considered the Respondent's application and voted to authorize the termination of the probation placed upon his license to practice medicine and surgery:

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice medicine and surgery is terminated effective at 0001 hours September 29, 1999, and the said license is returned to its full privileges free and clear of all restrictions.

Dale R. Holdiman MD
Dale R. Holdiman, M.D., Board Chairperson
IOWA STATE BOARD OF MEDICAL EXAMINERS
400 SW 8th, Suite C,
Des Moines, Iowa 50309-4686

October 18, 1999.

BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF IOWA

IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES
AGAINST

RICHARD LEE HAUSER, M.D., RESPONDENT

PO-93-320

ORDER

NOW ON May 22, 1997 BE IT REMEMBERED:

I. That on April 7, 1997, Richard Lee Hauser, 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 June 15, 1994.

II. That on May 22, 1997, the Board considered the Respondent's application and voted to authorize amendments to the above referenced medical board Order.

THEREFORE IT IS ORDERED that paragraphs A through H of the above referenced medical board disciplinary Order dated June 15, 1994 be deleted and paragraphs A through N be inserted to read:

- A. The Respondent shall abstain from the use of alcohol.
- B. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by a duly licensed, treating physician or other person authorized to prescribe drugs. The Respondent shall inform any treating physician or other person authorized to prescribe drugs of the terms of this Order prior to accepting any medication.

- C. 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 cost of which shall be paid by the Respondent.
- D. The Respondent shall attend at least three meetings of Alcoholics Anonymous or a similar organization weekly, and provide documentation of said attendance as part of the quarterly reports required in paragraph F of this Order.
- E. The Respondent shall file sworn quarterly reports stating that here has been compliance with all the terms of this Order. The quarterly reports shall include:
 - 1. A statement that the Respondent has abstained from the use of alcohol.
 - 2. A statement that the Respondent has abstained from the use of all controlled or prescription drugs not prescribed for him by another duly licensed treating physician or other person authorized to prescribe drugs, and a list of any controlled or prescription drugs prescribed for him by another duly licensed, treating physician or other person authorized to prescribe drugs. The list shall include the name and amount of the drug prescribed, the date of the prescription and the name of the person prescribing the drug.
 - 3. A list of all meetings of Alcoholics Anonymous or similar organization the Respondent has attended to include:
 - a. Written documentation of the Respondent's attendance at each meeting signed or initialed by another person in attendance; and
 - b. The date, time and location of each meeting attended.
- F. The Respondent shall continue treatment and/or counseling with Dennis A. Weis, M.D.
- H. The Respondent consents and agrees that any blood and/or urine specimens may be utilized to monitor the therapeutic level of lithium.
- I. The Respondent's hours-of-practice shall not exceed 40 hours per week.
- J. The Respondent shall make appearances annually and/or upon request before the Board or committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearances.
- K. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.

- I. 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 this Order.
- M. In the event the Respondent violates or fails to comply with any of the terms or provisions of 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), 258A.3(2) and 653 Iowa Administrative Code section 12.2
- N. Upon full compliance with the terms and conditions set forth in this Order 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 probation.
1. IT IS FURTHER ORDERED THAT any reasonable and necessary fees, expenses, or expenditures incurred by the Board, its agents or employees, may be taxed to the Respondent at any time, and,
 2. This Order supercedes any previous probation Order issued in this action.

Teresa Mock M.D.
Teresa A. Mock, M.D., Chairperson
IOWA STATE BOARD OF MEDICAL EXAMINERS
1209 East Court Avenue
Des Moines, Iowa 50319-0180

**BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF IOWA**

IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES AGAINST

RICHARD LEE HAUSER, M.D., RESPONDENT

PO-93-320

ORDER

NOW ON 17 March, 19 97 BE IT REMEMBERED:

I. That on November 25, 1996, Richard Lee Hauser, 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 June 15, 1994.

II. That on March 6, 1997, the Board considered the Respondent's application and voted to authorize amendments to the above referenced medical board Order.

THEREFORE IT IS ORDERED that paragraphs A through H of the above referenced medical board disciplinary Order dated June 15, 1994 be deleted and paragraphs A through F be inserted to read:

- A. The Respondent shall abstain from the use of alcohol.
- B. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by a duly licensed, treating physician or other person authorized to prescribe drugs. The Respondent shall inform any treating physician or other person authorized to prescribe drugs of the terms of this Order prior to accepting any medication.
- C. The Respondent shall continue to submit to witnessed urine samples daily under conditions previously approved by the Board. Daily samples shall be screened on

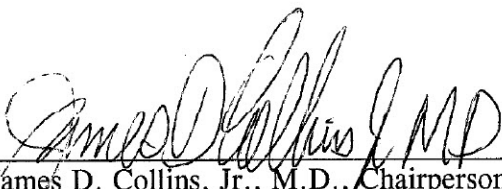
a random basis for alcohol and drugs all costs of which shall be paid by the Respondent.

- D. 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 cost of which shall be paid by the Respondent.
- E. The Respondent shall attend at least three meetings of Alcoholics Anonymous or a similar organization weekly, and provide documentation of said attendance as part of the quarterly reports required in paragraph F of this Order.
- F. The Respondent shall file sworn quarterly reports stating that here has been compliance with all the terms of this Order. The quarterly reports shall include:
 - 1. A statement that the Respondent has abstained from the use of alcohol.
 - 2. A statement that the Respondent has abstained from the use of all controlled or prescription drugs not prescribed for him by another duly licensed treating physician or other person authorized to prescribe drugs, and a list of any controlled or prescription drugs prescribed for him by another duly licensed, treating physician or other person authorized to prescribe drugs. The list shall include the name and amount of the drug prescribed, the date of the prescription and the name of the person prescribing the drug.
 - 3. A list of all meetings of Alcoholics Anonymous or similar organization the Respondent has attended to include:
 - a. Written documentation of the Respondent's attendance at each meeting signed or initialed by another person in attendance; and
 - b. The date, time and location of each meeting attended.
- G. The Respondent shall continue treatment and/or counseling with Dennis A. Wies, M.D.
- H. The Respondent consents and agrees that any blood and/or urine specimens may be utilized to monitor the therapeutic level of lithium.
- I. The Respondent's hours-of-practice shall not exceed 30 hours per week. Hours shall be limited to three (3) hours in the morning, two (2) hours in the afternoon and one (1) additional hour to be used in either morning or afternoon, five days a

week. However, the Respondent may, in addition, take call once every six (6) weeks.

- J. The Respondent shall make appearances annually and/or upon request before the Board or committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearances.
- K. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.
- L. 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 this Order.
- M. In the event the Respondent violates or fails to comply with any of the terms or provisions of 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), 258A.3(2) and 653 Iowa Administrative Code section 12.2
- N. Upon full compliance with the terms and conditions set forth in this Order 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 probation.

IT IS FURTHER ORDERED THAT any reasonable and necessary fees, expenses, or expenditures incurred by the Board, its agents or employees, may be taxed to the Respondent at any time.



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
STATE OF IOWA**

**IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES AGAINST
RICHARD L. HAUSER, M.D., RESPONDENT**

PO-93-320

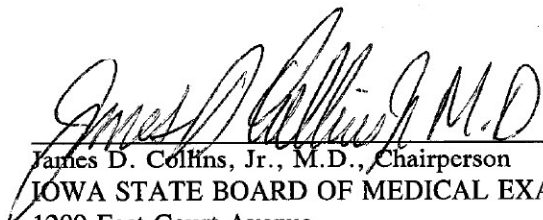
AMENDED ORDER

NOW ON December 6, 19 95 BE IT REMEMBERED:

I. That on October 17, 1995, Richard L. Hauser, 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 June 15, 1994.

II. That on November 30, 1995, the Board considered the Respondent's application and voted to authorize amendments to the above referenced medical board Order.

THEREFORE IT IS ORDERED that paragraph G is hereby deleted from the above referenced medical board disciplinary Order dated June 15, 1994.



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
STATE OF IOWA**

**IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES AGAINST
RICHARD LEE HAUSER, M.D., RESPONDENT**

PO-93-320

AMENDED ORDER

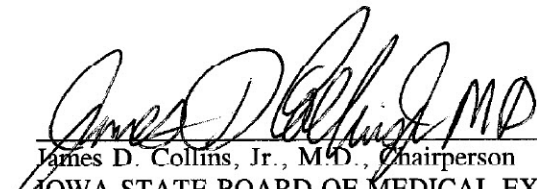
NOW ON October 24, 1995 BE IT REMEMBERED:

I. That on July 19, 1995, Richard Lee Hauser, 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 June 15, 1994.

II. That on September 7, 1995, the Board considered the Respondent's application and voted to authorize amendments to the above referenced medical board Order.

THEREFORE IT IS ORDERED that paragraph E of the above referenced medical board disciplinary Order dated June 15, 1994 is hereby amended to read:

The Respondent's hours-of-practice shall not exceed 30 hours per week. Hours shall be limited to three (3) hours in the morning, two (2) hours in the afternoon and one (1) additional hour to be used in either morning or afternoon, five days a week. However, the Respondent may, in addition, take call once every six (6) weeks.


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

Respondent's Exhibit 24: Respondent's record of continuing medical education, 1/1/92 to 9/13/94

Respondent's Exhibit 25: Interrogatories and Curriculum Vitae of James Blessman, M.D.

FINDINGS OF FACT

1. The Respondent was issued license number 16665 to practice medicine and surgery in the state of Iowa on July 1, 1963, as recorded in the permanent records in the office of the Board. The Respondent's license is current and valid until May 1, 1996. The Respondent was engaged in family practice from 1963 until December 1993. He is board eligible in psychiatry and devoted approximately one-third of his practice to psychiatry. (Board file; Testimony of Respondent; Respondent's Exhibit 1A)

2. In May, 1992 the Board began an investigation of the prescribing practices of the Respondent after receiving a report from an investigator for the Iowa Board of Pharmacy Examiners. As a result of this investigation, the Board found probable cause to file a Complaint and Statement of Charges against the Respondent alleging inappropriate prescribing of controlled substances to five patients over a period of time. (Testimony of Fred Nichols; State's Exhibits A, C-I)

Patient D.G.

3. Patient D.G., a member of the Respondent's family, was treated by the Respondent from February, 1986 until his suicide in November, 1992. Initially, D.G. was treated for migraine headaches, common infections, and muscle strain and backache. On February 10, 1989 the Respondent prescribed Darvocet N-100, an opioid, by telephone. The Respondent's patient records reflect only that the prescription for 50 tablets x 2 was called in to the pharmacy. There is no documentation of the reason for the prescription. Subsequent entries in D.G.'s patient records indicate only that the prescription for Darvocet N-100 was refilled, usually by telephone, on thirteen occasions between February 10, 1989 and February 1, 1990. The entry on February 1, 1990 includes the notation "MUST LAST 1 MONTH". Further entries in the patient record indicate that the Respondent refilled the Darvocet N-100 prescription, mostly by telephone, thirteen times in the period from March 2, 1990 until September 27, 1990. None of these entries indicate the reason for the prescription or that any alternative treatment modalities were utilized. Entries dated September, 1988 refer to a fall from scaffolding which resulted in bruising and abrasions. (Testimony of Darrell Doorenbos, M.D.; Respondent; State's Exhibit J)

**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF THE COMPLAINT *
*
AND STATEMENT OF CHARGES AGAINST * **ORDER**
*
RICHARD L. HAUSER, M.D., * **02-93-320**
*
RESPONDENT *

NOW ON June 15, 1994 BE IT REMEMBERED:

1. That Richard L. Hauser, M.D. (hereafter the Respondent), was issued a license to practice medicine and surgery in the state of Iowa, on July 1, 1991, as evidenced by certificate number 28230, which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners (hereafter the Board).
2. That a Complaint and Statement of Charges was filed against the Respondent, on December 20, 1993, and a hearing was held on the said Complaint and Statement of Charges before a four member panel of the Board on March 30, 1994.
3. That a Findings of Fact, Conclusions of Law, and Decision (hereafter Proposed Decision) was issued on May 5, 1994. On May 6, 1994, a copy of the Proposed Decision was sent to the Iowa Attorney General's Office, via LOCAL mail. The Proposed Decision was accepted without appeal by the Board on May 5, 1994.
4. That on May 10, 1994, the Proposed Decision was served upon the Respondent via U.S. First Class Certified Mail, return receipt requested.

RICHARD L. HAUSER, M.D.
ORDER (Final Disciplinary)

5. That pursuant to 653 IAC 12.50(29) thirty (30) days having passed and no appeal of the Proposed Decision having been filed by the Respondent or any other party to the proceeding the Proposed Decision became a final order of the Board.

6. That pursuant to Sections 148.6(1), 148.6(2) and 148.7(7) of the 1993 Code of Iowa the undersigned is authorized to enter an Order herein.

THEREFORE IT IS ORDERED that Iowa medical license number 28230 issued to the Respondent to practice medicine and surgery in Iowa is hereby placed on probation for a period of ten (10) years, retroactively to commence on March 30, 1994 under the following terms and conditions:

A) The Respondent shall abide by the terms and conditions outlined in paragraphs 1 through 4 inclusive, and paragraphs 7 through 12 inclusive, of the Consent Agreement entered into by the Respondent and the Board in June 1991. A copy of the said Consent Agreement is attached hereto and by this reference made a part hereof.

B) The Respondent shall attend at least three meetings of Alcoholics Anonymous or a similar organization weekly, and provide documentation of said attendance as part of the quarterly notarized reports required in paragraph 7 of the above referenced Consent Agreement.

C) The Respondent shall continue treatment and/or counseling with Martin Wetzel MD as well as ongoing counseling with Dr. Skulsky, a PhD psychologist.

D) The Respondent consents and agrees that any blood and/or urine specimens may be utilized to monitor the therapeutic level of lithium.

E) The Respondent's hours-of-practice shall be limited to three hours in the morning and two hours in the afternoon, five days a week, for a weekly total not to exceed 25 hours.

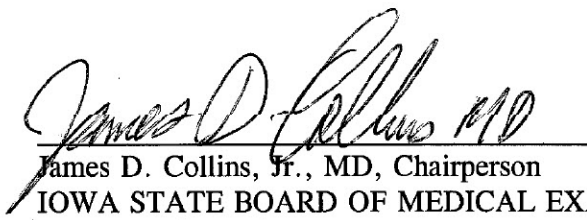
RICHARD L. HAUSER, M.D.
ORDER (Final Disciplinary)

F) The Respondent shall personally meet and confer with William Lyle Jackson, MD on a weekly basis. As an additional requirement of the quarterly report set forth in paragraph 7 of the above referenced Consent Agreement, Dr. Jackson shall submit a report to the Board verifying the weekly in-person consultation, and setting forth the findings and conclusions of Dr. Jackson.

G) The parameters of the Respondent's practice shall be limited to the field of addiction medicine during probation or until further order of the Board.

H) The Respondent may be ordered to personally appear and be interviewed by the Board on a quarterly basis. Such appearance before the Board may be before or after receipt of the quarterly report, and the Respondent shall be given due, proper, and timely notice by order of the Board.

IT IS FURTHER ORDERED THAT any reasonable and necessary fees, expenses, or expenditures incurred by the Board, its agents or employees, may be taxed to the Respondent at any time.


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

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BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE)
COMPLAINT AND STATEMENT) DIA DOCKET NO. 93DPHMB-44
OF CHARGES AGAINST:) FILE NO. 02-93-320
)
RICHARD L. HAUSER, M.D.,) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
Respondent) AND DECISION

TO: RICHARD L. HAUSER, M.D.

On or about December 20, 1993, a Complaint and Statement of Charges was filed against Richard L. Hauser, M.D. (Respondent) by the Executive Director of the Iowa Board of Medical Examiners (Board). The Complaint and Statement of Charges alleged, *inter alia*, that the Respondent violated the terms of a Consent Agreement between the Respondent and the Board entered on or about July 1, 1991, imposing certain restrictions and conditions on his license to practice medicine. The Respondent filed an Answer on or about January 10, 1994 and an Order for hearing issued on January 20, 1994. This matter was continued on one occasion upon the Respondent's motion.

The above-captioned contested case came on for hearing before a panel of the Board of Medical Examiners (panel) on the 30th day of March, 1994, at approximately 1:30 o'clock p.m. in a conference room of the Executive Hills East State Office Building, in Des Moines. The Respondent personally appeared and was represented by counsel, Jeff Neary of Sioux City. The public interest was represented by Assistant Attorney General Rose Vasquez. The hearing was open to the public at the Respondent's direction. Also present were Gale Beebe, a Health Professions Investigator for the Board, William Lyle Jackson, M.D., and a court reporter. The hearing was conducted before a panel of the Board: Edra Broich; James Caterine, M.D.; James D. Collins, Jr., M.D.; and George G. Spellman, Sr., M.D., Vice Chairperson. James R. Axt, Administrative Law Judge of the Iowa Department of Inspections and Appeals, presided and was instructed to prepare the decision of the panel.

The four-person panel of the Board, having heard the evidence and the arguments of the parties, and after deliberating in closed session on the date of the hearing, hereby enters the following:

THE RECORD

At the commencement of the hearing, official notice was taken of documents in the administrative file, on the record of this contested case. The record includes, *inter alia*, but is not limited to: the Complaint and Statement of Charges filed on December 20, 1993, the Original Notice and Order for hearing, the

Appellant's Answer filed January 10, 1994, the Respondent's request for a continuance filed January 24, 1994, an Order continuing the hearing entered the same date, and an Order entered February 23, 1994 resetting the hearing on the date that it was heard before the panel. The record also includes the state's lettered Hearing Exhibits A through K inclusive, the Respondent's Hearing Exhibit 1, and the testimony of the Respondent and witnesses during the course of the hearing.

FINDINGS OF FACT

At the commencement of the hearing, during opening remarks, the Respondent's counsel stated that the factual allegations of the Complaint and Statement of Charges were not contested. The Respondent desired an opportunity to explain the attendant facts and circumstances of the violations of a Consent Agreement which resulted in the conditional issuance of the Appellant's license to practice medicine and surgery in the state of Iowa on or about July 1, 1991.

As an appendage to one of the Respondent's applications, the Respondent filed an Affidavit dated May 4, 1988, which appears in the record as Hearing Exhibit F. In April, 1988, the Respondent was accepted into the Psychiatric Residency Training Program at the University of Iowa, contingent upon obtaining a training license from the Board. In that Affidavit, the Respondent set forth his prior history of chemical dependency. The Respondent stated that he was addicted to Percodan for approximately two years prior to treatment in April, 1980 at DePaul Hospital in Milwaukee. Respondent was convicted of a misdemeanor offense of being in possession of a controlled substance without a prescription. The Respondent was issued a limited license to practice medicine in the state of Wisconsin, contingent on continued drug monitoring and treatment for substance abuse. From 1980 through 1983, the Respondent practiced internal medicine and completed a substance abuse fellowship at DePaul Hospital in Milwaukee. In 1983, the Respondent, after a relapse, was treated for alcoholism at St. John's Hospital in St. Paul, Minnesota. From 1984 through the fall of 1986, the Respondent was in full-time private practice specializing in addictive diseases at the Milwaukee Psychiatric Hospital. In the words of the Respondent: . . . "In the fall of 1986, I again had another short relapse to alcohol and was intervened upon by my partners at that time and agreed to enter in Dr. Doyle Smith's program in Hattiesburg, Mississippi for impaired physicians. At that time, I also sent in a voluntary surrender of my medical license to the Wisconsin Medical Examining Board. After completing five months of treatment and five months of transitional living in Mississippi, I reappeared in front of the Wisconsin Medical Examining Board and requested a limited reinstatement of my license to practice in a supervised residency program."

undergo physical therapy at Charter Hospital and at the Therapy Center of Central Iowa. The patient record does not indicate whether M.C. attended his follow up appointment at the Institute. In June 1991 M.C. overdosed on Percocet when he had a gum infection. (Testimony of Respondent; M.C.; Jones; State's Exhibit M; Respondent's Exhibit 19)

18. According to the Respondent and M.C., M.C. was evaluated by Dr. Robert C. Jones, M.D., a neurosurgeon, and he recommended surgery to relieve M.C.'s chronic back pain. Dr. Jones could not specifically recall M.C., and he no longer has his patient record. The Respondent's patient record does not contain any references to this referral or its outcome. M.C. testified that he was afraid of surgery and was unwilling to consider it. (Testimony of Respondent; M.C.)

19. Dr. Jones had received a number of referrals from the Respondent over the years and has known the Respondent since 1966. Dr. Jones reviewed the Respondent's summary of his treatment of M.C. Dr. Jones conceded that M.C. had received "lots of high powered narcotics." Dr. Jones testified that he uses opioids judiciously in cases of benign pain and at some point will stop prescribing for the patient. Dr. Jones prescribes only one class of opioids at a time, both due to a fear of overdosing the patient and to ensure that he can determine the drug responsible if the patient develops side effects. However, without the opportunity to observe the patient's condition, Dr. Jones could not conclude that the Respondent's treatment of M.C. was outside the standard of care in Iowa. Dr. Jones based this conclusion in large part on the Respondent's representations to him that M.C. had one to two week "drug holidays" to avoid addiction and that M.C. at times had voluntarily cut his doses. Neither the patient record nor the Respondent's summary contain any references to "drug holidays". In addition, Dr. Jones relied on Respondent's close monitoring of the patient, including counselling. (Testimony of Respondent; M.C.; Jones; Respondent's Exhibit 19)

20. M.C. last saw the Respondent as his physician on June 1, 1992. According to M.C., the Respondent advised him that if he kept up with his physical therapy he would not need the Percocet. M.C. testified that he has been taking Advil for his back pain at the present time, although his present physician has given him a prescription for Percocet which he has not filled for the last six to eight weeks. M.C. discontinued his use of Valium about one year ago, and he is presently taking Xanax for his anxiety. (Testimony of M.C.)

Patient T.F.

21. T.F. was an employee and a patient of the Respondent for five and a half years. The peer review committee expressed concern that

tests disclosed alcohol concentration results of 0.09 and 0.063 respectively. See: the collective Hearing Exhibit D.

On November 7, 1993, the Respondent was arrested for public intoxication and subsequently entered a plea of guilty on that criminal charge. Peace officers responded to a complaint concerning a possible intoxicated driver in the parking lot of a McDonald's restaurant in Sioux City. The Respondent failed physical field sobriety tests, and stated to the officer that he had consumed a couple of martinis earlier in the day. Preliminary breath screening tests (PBTs) indicated alcohol concentration results of less than 0.10, however, results consistently approached the threshold level.

The Respondent testified in his own behalf. The Respondent, in all due candor, stated that he had little recall of the day when he was arrested for OWI, and did not recall purchasing or consuming beer. With reference to the public intoxication charge, the Respondent stated that he did not remember consuming martinis, but that he "probably did." At that point in time, the Respondent bluntly stated that he was purchasing cough syrup which contained ethanol and codeine a half-dozen bottles at a time, and had two or three bottles at his residence. The Respondent stated that he probably informed the officer that he was consuming martinis, as this was preferable to consuming cough medicine. Also with reference to the public intoxication incident, the Respondent stated that he was also taking Halcion in conjunction with codeine cough medicine.

The Respondent conceded that he failed to disclose his prior history of substance abuse and/or the terms of the Consent Agreement prior to being prescribed Halcion, for his insomnia, and Tussi-Organidan, both prescription drugs. The Respondent explained that this was inadvertence, and that he informed one treating physician of the situation after-the-fact. The Respondent also stated that he just neglected to inform Dr. Kissel prior to being prescribed a codeine cough medicine.

On or about November 18, 1993, the Respondent was placed on medical leave from the Marian Health Center, and sought professional consultation and assessment. The Board was so informed by Ed Van Bramer, M.D., in his capacity as Senior Vice President of Medical Affairs of Marian Health Center, in a letter dated November 18, 1993. See: Hearing Exhibit A.

The Respondent stated that even though a bi-polar depressive disorder was initially diagnosed in 1978, this condition was ignored and left unaddressed until the Respondent was recently evaluated in Omaha by Dr. Martin W. Wetzel, M.D., and at the Mayo Clinic. See: Hearing Exhibits J, K, and 1. In the Respondent's estimation, his practice and health deteriorated from the "up-side"

of a manic depressive cycle in early fall, into depression during November, 1993.

The Mayo Clinic evaluation dated December 21, 1993, Hearing Exhibit J, incorporated the findings of the evaluation by Dr. Wetzel. M. J. Martin, M.D., stated in part: . . . "The patient has subsequently had an evaluation by Dr. Wetzel, a psychiatrist in Omaha, and the diagnosis of a bipolar disorder, Type II, has been made. Treatment was begun with lithium and he has had close follow-up by Dr. Wetzel. The patient's lithium level, as of mid December, was in the low therapeutic range and his mood was stable. . . . In my summary session with Dr. Hauser, these findings were reviewed. I agree that the patient most likely has a bipolar disorder in addition to chemical dependency and alcoholism. He also has significant personality problems with the use of rather immature defense mechanisms. I urged him to pursue psychotherapy. . . . I also encouraged him to continue in Alcoholics Anonymous. I would think that he would be safe to return to practice within a few weeks. I would rely on current evaluations by Dr. Wetzel to determine this. . . ." [emphasis added]

Dr. William Lyle Jackson testified in the Respondent's behalf in his capacity as a professional colleague and personal friend. Dr. Jackson had utilized the Respondent's professional services in consultation with his treatment of patients at an adolescent treatment center specializing in addictive medicine. Dr. Jackson held the Respondent in high professional esteem and stated that he was . . . "pleased with his [professional] capabilities." In the words of Dr. Jackson, the Respondent was described as an excellent adolescent psychiatrist. Dr. Jackson expressed his opinion that in his observations of the Respondent, the Respondent is presently capable of resuming his work. Dr. Jackson opined that the Respondent is now closely associated and actively participating in various support groups, in the words of Dr. Jackson, . . . "plugged into the recovery community." Finally, Dr. Jackson expressed his willingness to consult with the Respondent on a weekly basis.

There were no allegations of professional misconduct and/or incompetency in the record of this contested case.

REASONING AND CONCLUSIONS OF LAW

It is uncontested that the Respondent has violated the terms and conditions of the Consent Agreement and there is a factual basis for the specific allegations of numbered paragraphs 8 through 10 inclusive of the Complaint and Statement of Charges.

Iowa Code section 148.6 (1983) states in pertinent part as follows:

Revocation . . . (2) Pursuant to this section, the board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:

. . .

(i) . . . [V]iolating the terms and provisions of a consent agreement or informal settlement between a licensee and the board.

In turn, rule 653 IAC 12.4 provides:

Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2(258A) . . . when the board determines that the licensee is guilty of any of the following acts or offenses:

. . .

(16) Violating a lawful order of the board, previously entered by the board in a disciplinary or licensure hearing, or violating the terms and provisions of a consent agreement or informal settlement between a licensee and the board.

. . .

(28) Violating any of the grounds for the revocation or suspension of a license listed in Iowa Code sections 147.55 and 148.6 . . .

Finally discretion is vested in the Board, by rule, as follows in 653 Iowa Administrative Code 12.3:

Discretion of the board. The following factors may be considered by the board in determining the nature and severity of the discipline sanction to be imposed:

(1) The relative seriousness of the violation as it relates to assuring the citizens of this state a high standard of professional care.

(2) The facts of the particular violation.

(3) Any extenuating circumstances or other countervailing considerations.

. . .

(6) Whether remedial action has been taken.

(7) Such other factors as may reflect upon the competency, ethical standards and professional conduct of the licensee.

It was the unanimous decision of the panel to allow the Respondent to continue the active practice of medicine and surgery, and to also assure the citizens of this state a high standard of professional care by imposing highly-structured requirements on the Respondent concerning his substance abuse rehabilitation and the monitoring of his personal situation. Pursuant to rule 653 IAC 12.2, the Board has the authority to impose probation, alcohol or drug screening within a time specific by the Board, and other

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

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

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

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

(G) The Respondent may be ordered to personally appear and be interviewed by the Board, on a quarterly basis. Such appearances before the Board may be before or after receipt of the quarterly report, and the Respondent shall be given due, proper, and timely notice by order of the Board.

IT IS FURTHER ORDERED, that any reasonable and necessary fees, expenses, or expenditures incurred by the Board, its agents or employees, may be taxed to the Respondent at any time.

Dated at Des Moines this 5TH day of May, 1994.

THE PANEL:

Edra Broich
Edra Broich

James M. Caterine
James Caterine, M.D.

James D. Collins, Jr., M.D.
James D. Collins, Jr., M.D.

George G. Spellman, Sr., M.D.
George G. Spellman, Sr., M.D.
Vice Chairperson

James R. Axt
James R. Axt
Administrative Law Judge
for the Panel of the Board

JRA/jmm

Docket No. 93DPHMB-44
Page 9

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Assistant Attorney General
Hoover State Office Building
Des Moines, IA 50319
[LOCAL]

Dennis M. Carr, Assistant Director
Iowa Board of Medical Examiners
Executive Hills State Office Complex
Des Moines, IA 50319
[LOCAL]

In accordance with 653 IAC 12.50(29), a proposed decision becomes the final decision unless appealed to the full board by a party adversely affected by serving notice of the appeal on the executive director within thirty (30) days after service of this proposed decision. The board may also review a proposed decision on its own motion.

**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**
* **OF CHARGES**
RICHARD L. HAUSER, M.D., * **02-93-320**
*
RESPONDENT *
*

COMES NOW Ann M. Martino, Ph.D. Executive Director of the Iowa State Board of Medical Examiners (hereafter the Board), on December 20, 1993, and at the direction of the Board, files this Complaint and Statement of Charges against Richard L. Hauser, M.D. (hereafter the Respondent), a physician licensed pursuant to Chapter 147, of the Code of Iowa and alleges:

1. That Charlotte Cleavenger, D.O., Chairperson; George G. Spellman, Sr., M.D., Vice Chairperson; Laura Stensrud, Secretary; Edra Broich; James Caterine, M.D.; James D. Collins, Jr., M.D.; Eddie D. DeHaan, M.D.; Mary C. Hodges; Roger F. Senty, D.O.; and Johanna Whalen, M.D., are the duly appointed and qualified officers and members of the Board.
2. That the Respondent was issued license number 28230 to practice medicine and surgery in the State of Iowa on July 1, 1991 as recorded in the permanent records in the office of the Board.
3. That the Respondent's license is current and valid until October 1, 1995.

4. That on or about July 1, 1991, based upon the terms and conditions of a Consent Agreement, the Respondent was issued a license to practice medicine and surgery in the state of Iowa. The terms and conditions of the Consent Agreement remain in effect until April 10, 1996.

5. That three of the specific terms and conditions of the Consent Agreement are:

A. "The Respondent shall abstain from the use of alcohol."

B. "The Respondent shall inform any treating physician or other person authorized to prescribe drugs of the terms of this Consent Agreement prior to accepting any medication."

C. "The Respondent shall obey all federal, state, and local laws..."

6. That on or about October 15, 1993 the Respondent consumed alcohol.

7. That on or about November 7, 1993 the Respondent consumed alcohol.

8. That on or about November 5, 1993, the Respondent was prescribed Tussi-Organidin, a prescription drug. The Respondent had not informed the treating physician who prescribed the drug of the terms of the Consent Agreement prior to accepting the medication.

9. That on or about November 7, 1993, the Respondent was prescribed Halcion, a controlled drug. The Respondent had not informed the treating physician who prescribed the drug of the terms of the Consent Agreement prior to accepting the medication.

10. That on or about November 9, 1993, the Respondent was prescribed Tussi-Organidin, a prescription drug. The Respondent had not informed the treating physician who prescribed the drug of the terms of the Consent Agreement prior to accepting the medication.

**COMPLAINT AND STATEMENT OF CHARGES
RICHARD LEE HAUSER, M.D.**

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11. That the Respondent has violated the terms and conditions of the Consent Agreement upon which his license to practice medicine and surgery in the state of Iowa was issued.

12. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of section 148.6(1) 148.6(2) and 148.6(2)(i) of the 1993 Code of Iowa, which state in whole or part:

148.6(1) - "The medical examiners, after due notice and hearing in accordance with Chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, Chapter 272C, or this subsection."

148.6(2) - "Pursuant to this section, the board may discipline a licensee who is guilty of any of the following acts or offenses:"

148.2(i) - "...violation the terms and provisions of a consent agreement...between a licensee and the board."

13. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of 653 I.A.C. 12.4, 12.4(16), and 12.4(28) 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 \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:"

653:12.4(16) - "...violation the terms and provisions of a consent agreement...between a licensee and the board."

**COMPLAINT AND STATEMENT OF CHARGES
RICHARD LEE HAUSER, M.D.**

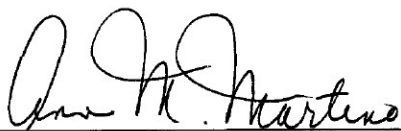
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653:12.4(28) - "Violation any of the grounds for revocation or suspension of a license listed in Iowa Code sections ...148.6"

14. That paragraphs 12 and 13 constitute grounds for the Board to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent on July 1, 1991.

WHEREFORE the undersigned charges that the Respondent is subject to disciplinary action pursuant to the provisions of sections 148.6(1), 148.6(2), and 148.6(2)(i) of the 1993 Code of Iowa and 653 I.A.C. 12.4, 12.4(16), and 12.4(28). 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 finding of fact and decision to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent on July 1, 1991, and for such other relief as the Board deems just in the premises.

IOWA STATE BOARD OF MEDICAL EXAMINERS



Ann M. Martino, Ph.D., Executive Director
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319
Telephone: (515) 281-5171

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE RESIDENT :
LICENSE APPLICATION OF : CONSENT AGREEMENT
RICHARD L. HAUSER, M.D. :
APPLICANT :

Now on this 14th day of July, 1988, the Iowa Board of Medical Examiners, hereinafter referred to as "Board", and Richard Hauser, M.D., hereinafter referred to as "the applicant", agree to the issuance of a resident license to practice medicine and surgery in the State of Iowa under the following terms and conditions to be in effect for a period of five (5) 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 physician. The applicant shall advise any treating physician 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 or representative 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.
4. That the applicant shall regularly attend and participate in not less than one (1) meeting of Alcoholics

Anonymous or Narcotic Anonymous, each week, and shall document such attendance pursuant to the provisions of paragraph 8(c) of this agreement.

5. That the applicant will obtain psychiatric treatment or counselling by a psychiatrist or counselor approved by the Board. Applicant shall submit the names and curriculum vitae of three (3) psychiatrists or counselors for approval within ten (10) days of the acceptance of this agreement by the Board. As a condition of approval, each psychiatrist or counselor shall agree to submit to the Board a report concerning the applicant's progress on a quarterly basis.

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

7. That the applicant shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine and surgery in the State of Iowa.

8. That the applicant shall submit quarterly, notarized reports stating that there has been compliance with all the terms of the Consent Agreement. The quarterly report shall include:

(A.) A statement that the applicant has abstained from the use of all controlled or prescription drugs not prescribed for him by another duly licensed, treating physician, as well as a list of all controlled or prescription drugs prescribed for him by another duly licensed, treating physician. The list shall include the name and amount of the drug prescribed, the date of

the prescription and the name of the prescribing physician.

(B.) A statement that the applicant has abstained from the personal use of alcohol.

(C.) A list of all Alcoholics Anonymous, Narcotic Anonymous and Growth Group meetings the applicant has attended to include:

(1) Written documentation of the applicant's attendance at each meeting signed by another person in attendance,

(2) The date, time and location of each meeting attended.

9. That the applicant shall make annual appearances before the Board, or a committee of the Board. The applicant shall be given reasonable notice of the date, time and place for the annual appearances.

10. That in the event the applicant leaves Iowa to reside or to practice outside the state, the applicant 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 terms of the Consent Agreement.

11. That in the event the applicant violates or fails to comply with any of the terms or provisions of this Consent Agreement, the Board may initiate appropriate action to revoke or suspend the applicant's license or to impose other licensee discipline as authorized in Section 258A.3(2) of the Code of Iowa and 653 I.A.C. 12.2 of the Iowa Administrative Code.

12. This Consent Agreement is voluntarily submitted on this 13th day of July, 1988.

Richard L. Hauser M.D.
Richard L. Hauser, M.D.

Subscribed and sworn to before me this 13th day of July, 1988.

Jeanes Carr
Notary Public in and for the State of Iowa.

This Consent Agreement is accepted by the Iowa Board of Medical Examiners on the 14th day of July, 1988.

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

Subscribed and sworn to before me this 14th day of July, 1988.

Jeanes Carr
Notary Public in and for the State of Iowa