

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

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**IN THE MATTER OF THE APPLICATION FOR RESIDENT PHYSICIAN LICENSURE OF**

**ROBERT P. MARSEILLE, M.D., APPLICANT**

**CA-94-001**

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**TERMINATION ORDER**

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NOW ON August 27, 1998 **BE IT REMEMBERED:**

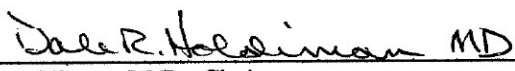
1. That on July 28, 1994, a Consent Agreement was entered into between Robert P. Marseille, M.D., (the Applicant) and the Iowa State Board of Medical Examiners, (the Board) to issue a license authorizing the applicant to practice medicine and surgery as a resident physician and under certain terms and conditions; and,

2. That on August 17, 1998, the Applicant filed an application with the Board seeking termination of his probation; and,

3. That on August 27, 1998, the Board considered the Applicant's application and voted to authorize the termination of the probation placed upon the Applicant's license to practice medicine and surgery.

**IT IS HEREBY ORDERED:**

That the probation placed upon the Applicant's license to practice medicine and surgery is terminated, and the license granted full privileges free and clear of all restrictions.

  
\_\_\_\_\_  
Dale R. Holdiman, M.D., Chairperson  
IOWA STATE BOARD OF MEDICAL EXAMINERS  
1209 East Court Avenue  
Des Moines, Iowa 50319-0180

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

\*\*\*\*\*  
**IN THE MATTER OF THE APPLICATION** \*  
\*  
**FOR RESIDENT PHYSICIAN** \*  
\*  
**LICENSURE OF** \* **CONSENT AGREEMENT**  
\*  
**ROBERT P. MARSEILLE, MD,** \*  
\*  
**APPLICANT** \*  
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COMES NOW the Iowa Board of Medical Examiners (hereafter the Board), and Robert P. Marseille, MD (hereafter the Applicant), and agree to the issuance of a Resident Physician License to practice medicine and surgery in an approved residency program in Iowa under the following terms and provisions which shall remain in effect until July 28, 1996.

1) The Applicant shall within thirty (30) days of the date of his receipt of an executed copy of this Consent Agreement submit to the Board the names and curriculum vitae of three (3) physicians practicing in Iowa. The Board may approve one of the three to serve as the Applicant's treating physician for purposes of this Consent Agreement. As a condition of approval the physicians shall agree to provide reports to the Board concerning the Applicant's treatment on a quarterly basis or upon request.

2) The Applicant shall schedule an evaluation with the Board approved physician within five (5) days of his notification of the Board's approval of the physician. The Applicant shall undergo an evaluation within twenty (20) days thereafter.

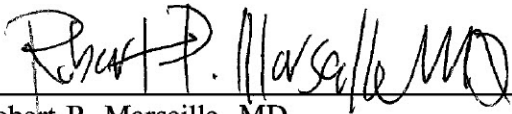
**CONSENT AGREEMENT**  
**Robert P. Marseille, MD**

- 3) The Respondent shall cooperate fully with any treatment plan prescribed by the Board approved physician.
- 4) The Applicant shall continue in treatment with the Board approved physician until discharged by the said physician and until the discharge is approved by the Board.
- 5) The Applicant shall submit sworn quarterly reports to the Board stating that he is in compliance with all the terms and provisions of this Consent Agreement.
- 6) The Applicant shall make appearances before the Board or a Board committee upon request. The Applicant shall be given reasonable notice of the date, time and place for the appearances.
- 7) The Applicant may not petition the Board for reconsideration or termination of the terms and provisions of this Consent Agreement before July 28, 1995.
- 8) In the event the Applicant leaves Iowa to reside or 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 duration of this Consent Agreement.
- 9) In the event the Applicant violates or fails to comply with any of the terms and provisions of this Consent Agreement the Board may initiate action to revoke or suspend the Applicant's Resident Physician License as authorized in Iowa Code section 148.6 and 653 IAC 12.2.
- 10) Upon full compliance with the terms and provisions set forth in this Consent Agreement and upon expiration of the period of its duration, the Applicant's Resident Physician License shall be granted full privileges free and clear of the terms of this Consent Agreement.

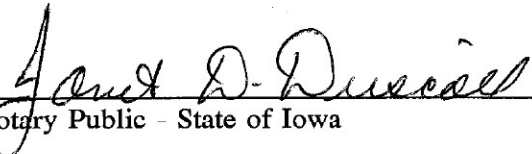
**CONSENT AGREEMENT**  
**Robert P. Marseille, MD**

11) This Consent Agreement is subject to the approval of the Board. If the Board fails to approve this Consent Agreement it shall be of no force or effect to either party.

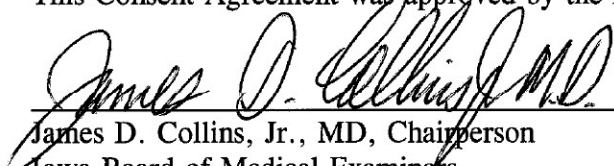
12) This Consent Agreement is voluntarily submitted by the Applicant to the Board for consideration.

  
\_\_\_\_\_  
Robert P. Marseille, MD

Subscribed to before me this 16 day of August, 1994.

  
\_\_\_\_\_  
Notary Public - State of Iowa

This Consent Agreement was approved by the Board on the 28<sup>TH</sup> day of July, 1994.

  
\_\_\_\_\_  
James D. Collins, Jr., MD, Chairperson  
Iowa Board of Medical Examiners

DMC/dc

fjmarsell.ca

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**ROBERT P. MARSEILLE, M.D., RESPONDENT**

**File No. 02-02-515**

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**TERMINATION ORDER**

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Date: September 9, 2009.

1. On August 17, 1998, Respondent was issued Iowa medical license no. 32576.
2. On June 5, 2003, the Board charged Respondent with the inability to practice medicine with reasonable skill and safety as a result of a mental condition. On April 20, 2004, after an evidentiary hearing, the Board concluded that Respondent suffered from a mental condition which impaired his ability to practice medicine with reasonable skill and safety. The Board placed Respondent on indefinite probation subject to mental health counseling and Board monitoring.
3. On June 2, 2005, the Board charged Respondent with violating a Board Order when he failed to call into the Board's drug screening program on more than one occasion and for failing to provide a urine sample for drug testing on one occasion. On November 15, 2005, Respondent entered into a Settlement Agreement with the Board to resolve the disciplinary matter and the Board issued Respondent a Citation and Warning and ordered him to pay a \$1,000 Civil Penalty for violating the terms of a Board Order.

4. Recently, Respondent requested termination of the terms and conditions of his Board order.

5. On September 3, 2009, voted to terminate Respondent's Board order. The Board concluded that Respondent has complied with the terms and conditions of his Board order.

**THEREFORE IT IS HEREBY ORDERED:** that the terms and conditions of Respondent's Board order are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

**IOWA BOARD OF MEDICINE**



Siroos S. Shirazi, M.D., Chairman  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

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IN THE MATTER OF THE	)	DIA NO. 03DPHMB012
STATEMENT OF CHARGES	)	FILE NO. 02-02-515
AGAINST	)	
	)	
ROBERT P MARSEILLE, M.D.	)	RULING ON STATE'S
	)	APPLICATION FOR
Respondent	)	REHEARING

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TO: ROBERT P MARSEILLE, M.D.

On June 5, 2003, the Iowa Board of Medical Examiners (Board) filed a Statement of Charges against Robert P. Marseille, M.D. (Respondent) charging him in Count I with the inability to practice medicine and surgery with reasonable skill and safety as a result of a mental condition, in violation of Iowa Code section 148.6(2)(h) and 653 IAC 12.4(5), and Count II with engaging in unethical or unprofessional conduct when he failed to accurately document patient care and he documented patient examinations on several occasions when in fact no examination was performed, in violation of Iowa Code section 147.55(3) and 653 IAC 12.4(3) & (6).

The hearing was held on March 18, 2004 at 12:30 p.m. in the conference room at the Board office, 400 SW 8th Street, Suite C, Des Moines, Iowa. The hearing was held before the following members of the Board: Dale R. Holdiman, M.D., Chairperson; Bruce Hughes, M.D.; Carole Frier, D.O.; Michael Byrne, Public Member; Sally Schroeder, Public Member; and Janece Valentine, Public Member. The Respondent appeared and was represented by his counsel, Connie Diekema. Theresa O'Connell Weeg, Assistant Attorney General, represented the state. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1) and 653 IAC 12.26(12).

On April 20, 2004, the Board issued its Findings of Fact, Conclusions of Law, Decision and Order. The Board Affirmed Count I and Dismissed Count II. The State filed an Application for Rehearing on May 20, 2004. The hearing on the State's Application for Rehearing was held on September 2, 2004, before the following Board members: Bruce Hughes, M.D., Chairperson; Susan Johnson, M.D.; Carole Frier, D.O.; Blaine Houmes, M.D.; Russell Lee, M.D.; Dana Shaffer, D.O.; and Janece Valentine, Paul Thurlow, and Sally Schroeder, public members. The Respondent was represented by his counsel, Connie Diekema. Theresa O'Connell Weeg, Assistant Attorney General, represented the state. Each side presented oral arguments. The Board then instructed Administrative Law Judge, John M. Priester to draft a decision in conformance with their deliberations held in closed session.

After receiving the arguments of counsel at rehearing, and reviewing the record established at the evidentiary hearing, the Board concluded that the preponderance of the evidence failed to establish that the Respondent failed to accurately document patient care and that he documented patient examinations on several occasions when no examination took place. Although several patients complained that the Respondent failed to perform an examination, the medical records indicate that examinations did in fact occur. The Board noted that several medical records in question included specific patient information that reflected that the Respondent had performed a physical examination. The Board also noted that the Respondent saw many patients and he may not have spent as much time with each patient as other physicians at the clinic where he worked. The Board determined that there was insufficient evidence to conclude that the Respondent failed to accurately document his patient care or that he documented examinations that did not occur.

ORDER

IT IS THEREFORE ORDERED, that the State's Application for Rehearing is DENIED. The decision of the Board dated April 20, 2004, is AFFIRMED.

Dated this 20<sup>th</sup> day of January 2005.



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Bruce L. Hughes, M.D.  
Chairperson  
Iowa Board of Medical Examiners

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

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



BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE ) DIA NO. 03DPHMB012  
COMPLAINT AND STATEMENT ) CASE NO.02-02-515  
OF CHARGES AGAINST )  
)  
ROBERT P MARSEILLE, M.D. ) FINDINGS OF FACT,  
) CONCLUSIONS OF LAW,  
Respondent ) DECISION AND ORDER  
)

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TO: ROBERT P MARSEILLE, M.D.

DATE: April 20, 2004

On June 5, 2003, the Iowa Board of Medical Examiners (Board) filed a Statement of Charges against Robert P. Marseille, M.D. (Respondent) charging him in Count I with the inability to practice medicine and surgery with reasonable skill and safety as a result of a mental condition, in violation of Iowa Code section 148.6(2)(h) and 653 IAC 12.4(5), and Count II with engaging in unethical or unprofessional conduct when he failed to accurately document patient care and he documented patient examinations on several occasions when in fact no examination was performed, in violation of Iowa Code section 147.55(3) and 653 IAC 12.4(3) & (6). An Original Notice and Order for Hearing were issued setting the hearing for July 16, 2003. The hearing was continued at the Respondent's request.

The hearing was held on March 18, 2004 at 12:30 p.m. in the conference room at the Board office, 400 SW 8th Street, Suite C, Des Moines, Iowa. The hearing was held before the following members of the Board: Dale R. Holdiman, M.D., Chairperson; Bruce Hughes, M.D.; Carole Frier, D.O.; Michael Byrne, Public Member; Sally Schroeder, Public Member; and Janece Valentine, Public Member. The Respondent appeared and was represented by his counsel, Connie Diekema. Theresa O'Connell Weeg, Assistant Attorney General, represented the state. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1) and 653 IAC 12.26(12). The hearing was recorded by a certified court reporter. John M. Priester, Administrative Law Judge, assisted the Board in conducting the hearing and was instructed to prepare this decision of the Board, in accordance with their deliberations. A motion was taken in open session.

THE RECORD

The record includes the Statement of Charges, the Original Notice, the Order for Hearing, the Order for Continuance, the testimony of the witnesses, and the following exhibits:

- State Exhibit 1: Statement of Charges, 6/5/03;
- State Exhibit 2: Excerpted licensure information, 1994;
- State Exhibit 3: Consent Agreement, 8/16/94, and subsequent correspondence and Order;
- State Exhibit 4: Complaint, 4/19/01;
- State Exhibit 5: Investigative Report, 8/16/01;
- State Exhibit 6: Documents from MercyCare;
- State Exhibit 7: Letter, Dr. Marseille to IBME, 7/27/01;
- State Exhibit 8: Supplemental Investigative Report #1, 1/25/02;
- State Exhibit 9: Patient Records from Dr. Mark Tyler re: Dr. Marseille;
- State Exhibit 10: Letters re: Dr. Marseille, December/January 2001;
- State Exhibit 11: Supplemental Investigative Report #2, 1/25/02;
- State Exhibit 12: Letter, Dr. Marseille to IBME, 1/21/02;
- State Exhibit 13: IPHP Narrative, Deb Anglin;
- State Exhibit 14: IPHP, Case Summary, Deb Anglin;
- State Exhibit 15: IPHP Information;
- State Exhibit 16: IBME Evaluation Order, 8/27/02;
- State Exhibit 17: Report, Dr. J.C.N. Brown re: Dr. Marseille, 8/16/02;
- State Exhibit 18: Exhibits A-G submitted to IBME by Dr. Marseille at 9/17/02 appearance;
- State Exhibit 19: IBME Revised Evaluation Order, 9/19/02;
- State Exhibit 20: IBME Narrative, Deb Anglin;
- State Exhibit 21: Evaluation Report, Professional Recovery Network, 12/6/02;

- State Exhibit 22: Letter, PRN to IBME, 6/13/03 (with attached letter from General Medical Laboratories to PRN, 5/28/03);
- State Exhibit 23: CV, Curtis Reynolds, M.D.;
- State Exhibit 24: Deposition Videotape and transcript of Curtis Reynolds, M.D.
- Respondent Exh B: Documentation regarding Dr. Marseilles receipts, pay and fee distribution at Mercy Care North.

#### FINDINGS OF FACT

1. The Respondent was issued license number 32576 to practice medicine and surgery in the state of Iowa on August 17, 1998, as recorded in the permanent records in the office of the Board. The Respondent's license is valid and will next expire on August 1, 2005. (State Exhibit 1, Records of the Board)
2. The Board filed a Statement of Charges against the Respondent on June 5, 2003, charging the Respondent with the inability to practice medicine and surgery with reasonable skill and safety as a result of a mental condition and for engaging in unethical or unprofessional conduct when he failed to accurately document patient care and when he documented patient examinations on several occasions when in fact no examination took place. (State Exhibit 1)
3. On March 1, 2001, a patient filed a complaint with MercyCare North, the Respondent's employer, claiming that she was billed for an examination by the Respondent when he had not examined her on February 26, 2001. The patient sought treatment for elbow and upper arm problems after a fall. The patient claimed that the Respondent remained seated during the entire visit and never touched her or examined her arm or elbow. The Respondent prescribed medication and an x-ray of the arm. The patient was disturbed when she received a bill for an examination that was not performed. The patient signed an affidavit on April 16, 2001, detailing her complaint. (State Exhibit 5)
4. Four other patients seen by the Respondent provided written statements and affidavits outlining similar complaints alleging that the Respondent billed them for physical examinations that were not performed. The Respondent described a physical examination in each of the patient's charts and the patients were billed according to the Respondent's notes in the charts. (State Exhibit 5)
5. After receiving the patient complaints, MercyCare North initiated an investigation and contacted several of the Respondent's patients to determine whether other patients had

concerns. Eighteen patients were selected at random from patients treated by the Respondent. Thirteen patients indicated that they were satisfied with the care provided by the Respondent. Five patients expressed some concern with the care provided by the Respondent. (State Exhibit 5)

6. The Respondent adamantly denied the allegations that he failed to perform examinations on patients. The Respondent indicated that he specifically recalls the first patient who complained. He remembered that this patient appeared upset about the amount of time she had to spend in the waiting room prior to seeing him and he recalls that she was a very difficult patient from the initiation of the visit. The Respondent indicated that the patient insisted on having an x-ray taken. The Respondent specifically recalled performing an examination of her arm and elbow and ordering an x-ray and medication, as documented in her chart. (Testimony of Respondent)

7. The Respondent was not able to recall the specific circumstances of any of the other patients who complained, however he stressed that he would not have charted a physical examination unless he had performed one. Further, the Respondent indicated that one of his patient notes in question contains detailed information which indicates that he did perform a physical examination of the patient. The Respondent noted in the chart that he did not detect lung sounds on the patient's right side and it was later learned that the patient had suffered from lung cancer and his right lung had been removed. The Respondent argued that his notation indicates that he performed an examination on this patient. The Respondent also indicated that the nature of his notes in the charts of two other patients in question further indicates that he performed a physical examination on each of them. The Respondent saw a mother and her child on the same occasion and the Respondent's medical notes for the examinations of two patients were very different. The Respondent argued that had he not examined each of these two patients, the notes would not be significantly different. The Respondent also indicated that he treated significantly more patients each day than any of the other physicians practicing at MercyCare North. (Testimony of Respondent)

8. The Respondent indicated that he has never hidden the fact that he has a long-history of depression. He believes that as long as he continues to seek treatment that this does not interfere with his ability to practice medicine. The Respondent admitted to an episode where he sought prescription medication from a nurse who lived across the street but he indicated that the medication was for a migraine headache. After realizing the impropriety of this action he self-reported the incident to the Board. The Respondent also indicated that on other occasions he has taken sample prescription medications, although he denies ever self-medicating.

The Respondent testified that he has no objection to the recommendations established in the Evaluation Report from the Professional Recovery Network. (Testimony of Respondent, State Exhibit 2,3,15 & 21)

#### CONCLUSIONS OF LAW

##### Count I

Iowa Code section 148.6(2)(h)(2003) provides, in relevant part:

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:

...  
h. Inability to practice medicine and surgery . . .with reasonable skill and safety by reason of a . . . mental or physical condition.

The preponderance of the evidence established that the Respondent's mental condition impairs his ability to practice medicine and surgery with reasonable skill and safety as required by law. The Respondent's mental condition must be monitored by the Board in order to ensure the safety of his patients. Count I is AFFIRMED.

##### Count II

Iowa Code section 147.55(3)(2003) and 653 IAC 12.4(3) and 12.4(36) provide, in relevant part:

147.55. A license to practice a profession shall be revoked or suspended when the licensee is guilty of:

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

12.4(3). engaging in unethical conduct . . . Proof of actual injury need not be established.

12.4(36). unprofessional conduct

The preponderance of the evidence failed to establish that the Respondent failed to accurately document patient care and that he documented patient examinations on several occasions when no examination took place. Although several patients complained that the Respondent failed to perform an examination, the medical records appear to indicate that an examination did occur. While the Board noted that the Respondent saw many patients and he may

not have spent as much time with each patient as the other physicians at MercyCare North, there was insufficient evidence to conclude that the Respondent failed to accurately document his patient care or that he documented examinations that did not occur. Count II is DISMISSED.

ORDER

IT IS THEREFORE ORDERED, that the Respondent's Iowa medical license shall be placed on indefinite probation under the following terms and conditions:

- A. **BOARD MONITORING PROGRAM:** Respondent shall contact Deb Anglin, Coordinator, Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-6491, to establish a monitoring program.
- B. **CURRENT AND FUTURE EMPLOYERS:** Respondent shall provide the Board with the name, address and telephone number of a contact person at all current and future locations where Respondent has privileges and/or practices as a physician, e. g. all hospitals and clinics. Respondent hereby gives the Board a release to share a copy of all Board orders relating to this matter to all such individuals. All such individuals shall agree to contact the Board immediately upon receipt of evidence that Respondent has abused drugs or alcohol or he is in violation of the terms of this Settlement Agreement.
- C. **RECOMMENDATIONS OF PRN AND OTHER PROVIDERS:** Respondent shall fully comply with all recommendations made by PRN and all other the Board-approved treatment providers for the duration of this Order.
- D. **MENTAL HEALTH TREATMENT AND COUNSELING:** Respondent shall submit to the Board the name and curriculum vitae of a physician or counselor for Board approval to supervise Respondent's continued treatment and counseling. The Board shall provide Respondent's physician/counselor a copy of all Board orders in this matter.
  - (1) As a condition of approval, the physician or counselor shall agree to submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation.

- (2) Respondent shall continue counseling until discharged by the Board-approved physician or counselor and until Respondent's discharge from counseling is approved by the Board.
  - (3) Respondent shall meet with his Board-approved physician or counselor as recommended by the physician or counselor and approved by the Board. Respondent shall fully comply with all recommendations made by the physician or counselor. All costs shall be the responsibility of Respondent.
- F. **CONTROLLED AND PRESCRIPTION DRUGS:** Respondent shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for Respondent's use by another duly licensed treating physician or other qualified treating health care provider. Respondent shall provide the Board written notice within 72 hours of the use of any controlled or prescription drug.
- G. **DRUG SCREENING PROGRAM:** Respondent shall fully comply with the Board's drug screening program. Respondent shall provide random blood or urine specimens when required. Respondent agrees to comply with all requirements of the drug screening program. Respondent shall also provide random blood or urine specimens upon demand by an agent of the Board. The specimens shall be used for drug and alcohol screening, all costs of which shall be paid by Respondent. Respondent is responsible to ensure that all UA collections are witnessed as required by the Board's drug screening program.
- H. **QUARTERLY REPORTS:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement Agreement. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of Respondent's probation.
- I. **BOARD APPEARANCES:** Respondent shall make appearances before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 12.6(6)(d).

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

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

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

*Dale R. Holdiman MD*

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

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

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



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

\*\*\*\*\*

**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST  
ROBERT P. MARSEILLE, M.D., RESPONDENT**

**File No. 02-02-515**

\*\*\*\*\*

**STATEMENT OF CHARGES**

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**COMES NOW** the Iowa Board of Medical Examiners (the Board), on June 5, 2003, and files this Statement of Charges against Robert P. Marseille, M.D., (Respondent), a physician licensed pursuant to Chapter 147 of the 2003 Code of Iowa and alleges:

1. Respondent was issued license number 32576 to practice medicine and surgery in Iowa on August 17, 1998.
2. Respondent's Iowa medical license is valid and will next expire on August 1, 2003.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

**COUNT I**

4. Respondent is charged under Iowa Code section 148.6(2) (h) (2003) and 653 IAC section 12.4(5) with the inability to practice medicine and surgery with reasonable skill and safety as a result of a mental condition.

## COUNT II

5. Respondent is charged under Iowa Code section 147.55(3) (2003) and 653 IAC section 12.4(3) and 12.4(36) with engaging in unethical or unprofessional conduct when he failed to accurately document patient care and he documented patient examinations on several occasions when in fact no examination was performed.

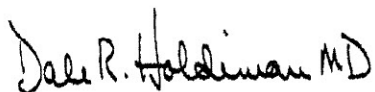
## CIRCUMSTANCES

6. On July 28, 1994, Respondent entered into a Consent Agreement with the Board in which Respondent was issued an Iowa resident license and the license was subject to certain terms and conditions due to a mental health condition. On August 27, 1998, the Board issued an Order terminating the conditions established in the Consent Agreement.

7. The Board received information indicating Respondent failed to accurately document patient care and he documented patient examinations on several occasions when in fact no examination was performed.

8. Recently, the Board received information indicating Respondent suffers from a condition which impairs his ability to practice medicine with reasonable skill and safety.

**On this** the 5th day of June, 2003, the Iowa Board of Medical Examiners finds probable cause to file this Statement of Charges.



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Dale R. Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, IA 50309-4686

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

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**ROBERT P. MARSEILLE, M.D., RESPONDENT**

**File No. 02-05-102**

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**ORDER DISMISSING STATEMENT OF CHARGES**

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**COMES NOW** the Iowa Board of Medical Examiners (the Board), on April 7, 2005, and files this Order Dismissing the Statement of Charges currently pending against Robert P. Marseille, M.D., (Respondent) in this matter.

1. Respondent was issued license number 32576 to practice medicine and surgery in Iowa on August 17, 1998.
2. Respondent's Iowa medical license is active and will expire on August 1, 2005.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147,148 and 272C.
4. On July 28, 1994, Respondent was issued an Iowa medical license subject to a Consent Agreement. Under the terms of the Consent Agreement, Respondent agreed to complete a mental health evaluation and complete recommended mental health treatment. On August 27, 1998, the Board filed and Order terminating the terms of the Consent Agreement.

5. On June 5, 2003, the Board charged Respondent with the inability to practice medicine and surgery with reasonable skill and safety due to a mental condition and engaging in unethical or unprofessional conduct when he failed to accurately document patient care provided and when he documented patient examinations on several occasions when in fact no examination was performed.

6. A hearing on the charges was held on March 18, 2004. The Board issued a Decision and Order on April 20, 2004, which concluded Respondent was unable to practice medicine with reasonable skill and safety as a result of a mental condition and dismissed the charge that Respondent engaged in unethical or unprofessional conduct when he failed to accurately document patient examinations and when he documented examinations that did not occur. The April 20, 2004, Decision and Order placed Respondent's Iowa medical license on probation subject to certain terms and conditions.

7. On May 10, 2004, the State filed an Application for Rehearing pursuant to Iowa Code Section 17A.16(2) requesting that the Board reconsider its decision to dismiss the charge that Respondent engaged in unethical or unprofessional conduct when he failed to accurately document patient examinations and documented examinations that did not occur. Respondent filed a Resistance to Application for Rehearing. Rehearing was held on September 2, 2004. On January 20, 2005, the Board issued a Ruling on State's Application for Rehearing and affirmed its original decision.

8. On February 10, 2005, the Board charged Respondent with violating a lawful order of the Board after it determined that Respondent failed to establish a Board monitoring program; failed to fully comply with all recommendations made by all Board-approved treatment providers; failed to submit to mental health treatment and counseling; failed to fully comply with the Board's drug screening program; failed to file quarterly reports with the Board and failed to make an appearance before the Board upon the Board's request as required in the April 20, 2004, Decision and Order.

9. Recently, the Board received information which indicates that miscommunication between Board staff and Respondent likely contributed to his failure to fully comply with the requirements established in the April 20, 2004, Decision and Order.

10. Respondent is currently fully complying with all of the requirements of probation established in the April 20, 2004, Decision and Order.

**THEREFORE IT HEREBY ORDERED**, for the reasons discussed in Paragraphs 9 and 10 above, the Statement of Charges filed by the Board on February 10, 2005, against Respondent's Iowa medical license is **DISMISSED**.



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Bruce L. Hughes, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, IA 50309-4686

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

\*\*\*\*\*

**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**ROBERT P. MARSEILLE, M.D., RESPONDENT**

**File No. 02-05-102**

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**STATEMENT OF CHARGES**

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**COMES NOW** the Iowa Board of Medical Examiners (the Board), on February 10, 2005, and files this Statement of Charges against Robert P. Marseille, M.D., (Respondent), a physician licensed pursuant to Iowa Code Chapter 147 (2005) and alleges:

1. Respondent was issued license number 32576 to practice medicine and surgery in Iowa on August 17, 1998.
2. Respondent's Iowa medical license is active and will expire on August 1, 2005.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147,148 and 272C.

4. On July 28, 1994, Respondent was issued an Iowa medical license subject to a Consent Agreement. Under the terms of the Consent Agreement Respondent, agreed to complete a mental health evaluation and comply with any treatment plan. Respondent was also required to complete mental health treatment. The Board filed an Order terminating the Consent Agreement on August 27, 1998.

### **COUNT I**

5. Respondent is charged under Iowa Code section 148.6(2)(i) (2005) and 653 IAC 12.4(16) with violating a lawful order of the Board.

### **CIRCUMSTANCES**

6. On June 5, 2003, the Board charged Respondent with the inability to practice medicine with reasonable skill and safety as a result of a mental condition and with engaging in unethical or unprofessional conduct when he failed to accurately document patient examinations and documented examinations that did not occur in violation of Iowa law.

7. A hearing on the charges was held on March 18, 2004. The Board issued a Decision and Order on April 20, 2004, which concluded Respondent was unable to practice medicine with reasonable skill and safety as a result of a mental condition and dismissed the charge that Respondent engaged in unethical or unprofessional conduct when he failed to accurately document patient examinations and documented examinations that did not occur. The April 20, 2004, Decision and Order placed Respondent's Iowa medical license on probation subject to certain terms and conditions. (See Attachment I – April 20, 2004, Decision and Order).

8. On May 10, 2004, the State filed an Application for Rehearing pursuant to Iowa Code Section 17A.16(2) requesting that the Board reconsider its decision to dismiss the charge that Respondent engaged in unethical or unprofessional conduct when he failed to accurately document patient examinations and documented examinations that did not occur. Respondent filed a Resistance to Application for Rehearing. Rehearing was held on September 2, 2004. On January 20, 2005, the Board issued a Ruling on State's Application for Rehearing and affirmed its original decision.

9. Recently, the Board received information which indicates that Respondent is in violation of his probation, including but not limited to following terms and conditions:

- A. Respondent failed to establish a Board monitoring program as required in Paragraph A of the April 20, 2004, Decision and Order. (See Paragraph A of Attachment - I).
- B. Respondent failed to fully comply with all recommendations made by PRN and all other the Board-approved treatment providers as required in Paragraph C of the April 20, 2004, Decision and Order. (See Paragraph C of Attachment - I).
- C. Respondent failed to submit to mental health treatment and counseling as required by Paragraph D of the April 20, 2004, Decision and Order. (See Paragraph D of Attachment - I).



- D. Respondent failed to fully comply with the Board's drug screening program as required in Paragraph G of the April 20, 2004, Decision and Order. (See Paragraph G of Attachment - I).
  - E. Respondent failed to file quarterly reports with the Board as required in Paragraph H of the April 20, 2004, Decision and Order. (See Paragraph H of Attachment - I).
  - F. Respondent failed to make an appearance before the Board upon the Board's request as required in Paragraph F of the April 20, 2004, Decision and Order. (See Paragraph F of Attachment - I).
10. Respondent has engaged in the practice of medicine between April 20, 2004, and the present.
11. Paragraph 10 of the April 20, 2003, Decision and Order, clearly states that in the event Respondent violates or fails to comply with any of the terms or conditions of the Decision and Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 143 and 272 and 653 IAC 12.2. (See Paragraph L of Attachment - I).

**On this** the 10th day of February, 2005, the Iowa Board of Medical Examiners  
finds probable cause to file this Statement of Charges.



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Bruce L. Hughes, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, IA 50309-4686

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**  
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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**ROBERT P. MARSEILLE, M.D., RESPONDENT**

**File No. 02-05-340**

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**SETTLEMENT AGREEMENT and FINAL ORDER**

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**COMES NOW** the Iowa Board of Medical Examiners (the Board), and Robert P. Marseille, M.D., (Respondent), on November 15, 2005, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2005), and enter into this Settlement Agreement and Final Order to resolve the contested case currently on file.

1. Respondent was issued license number 32576 to practice medicine and surgery in Iowa on August 17, 1998.
2. Respondent's Iowa medical license is valid and will next expire on August 1, 2007.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147,148 and 272C.
4. On June 2, 2005, the Board filed disciplinary charges against Respondent's Iowa medical license for violating a Board Order when he failed to call into the Board's drug screening program on more than one occasion and for failing to provide a urine sample for drug testing on one occasion in violation of the Order he entered into with the Board.

5. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the terms of a Board Order when he failed to call into the Board's drug screening program on more than one occasion between March 27, and May 21, 2005, and for failing to provide a urine sample for drug testing on May 4, 2005, in violation of his Board Order. Respondent is hereby **WARNED** that evidence of such conduct in the future could result in further disciplinary action including suspension or revocation of your Iowa medical license.

6. **CIVIL PENALTY:** Respondent shall be assessed a civil penalty in the amount of **\$1,000**. The civil penalty shall be payable to the Treasurer of Iowa, and shall be mailed to the executive director of the Board within 60 days of the Board's approval of this Order. The civil penalty shall be deposited into the State General Fund.

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

8. In the event Respondent violates or fails to comply with any of the terms or conditions of this combined Statement of Charges, Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

9. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a pending contested case proceeding.

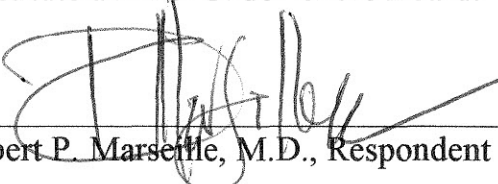
10. By entering into this combined Statement of Charges, Settlement Agreement

and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

11. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

12. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve the Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.


13. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

  
\_\_\_\_\_  
Robert P. Marselle, M.D., Respondent

Subscribed and sworn to before me on 9 9, 2005.

Notary Public, State of

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on November 15, 2005.

  
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Bruce L. Hughes, M.D., Chair  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

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

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**ROBERT P. MARSEILLE, M.D., RESPONDENT**

**File No. 02-05-340**

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**STATEMENT OF CHARGES**

\*\*\*\*\*

**COMES NOW** the Iowa Board of Medical Examiners (the Board), on June 2, 2005, and files this Statement of Charges against Robert P. Marseille, M.D., (Respondent), a physician licensed pursuant to Iowa Code Chapter 147 (2005) and alleges:

1. Respondent was issued license number 32576 to practice medicine and surgery in Iowa on August 17, 1998.
2. Respondent's Iowa medical license is active and will expire on August 1, 2005.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147,148 and 272C.

4. On July 28, 1994, Respondent was issued an Iowa medical license subject to a Consent Agreement. Under the terms of the Consent Agreement, Respondent agreed to complete a mental health evaluation and comply with any recommendations and to complete mental health treatment. On August 27, 1998, the Board filed an Order terminating the requirements of the Consent Agreement.

### **COUNT I**

5. Respondent is charged under Iowa Code section 148.6(2)(i) (2005) and 653 IAC 12.4(16) with violating the terms of a lawful order of the Board.

### **CIRCUMSTANCES**

6. On June 5, 2003, the Board charged Respondent with the inability to practice medicine with reasonable skill and safety as a result of a mental condition and with engaging in unethical or unprofessional conduct when he failed to accurately document patient examinations and documented examinations that did not occur in violation of Iowa law.

7. A hearing on the charges was held on March 18, 2004. The Board issued a Decision and Order on April 20, 2004, which concluded Respondent was unable to practice medicine with reasonable skill and safety as a result of a mental condition and dismissed the charge that Respondent engaged in unethical or unprofessional conduct when he failed to accurately document patient examinations and documented examinations that did not occur. The April 20, 2004, Decision and Order placed Respondent's Iowa medical license on probation subject to certain terms and conditions. (See Attachment I – April 20, 2004, Decision and Order).

8. On May 10, 2004, the State filed an Application for Rehearing pursuant to Iowa Code Section 17A.16(2) requesting that the Board reconsider its decision to dismiss the charge that Respondent engaged in unethical or unprofessional conduct when he failed to accurately document patient examinations and documented examinations that did not occur. Respondent filed a Resistance to Application for Rehearing. Rehearing was held on September 2, 2004. On January 20, 2005, the Board issued a Ruling on State's Application for Rehearing and affirmed its original decision.

9. Recently, the Board received information which indicates that Respondent failed to provide a urine sample for drug testing on May 4, 2005, in violation of his Board Order. Respondent failed to call into the Board's drug screening program on thirteen (13) occasions between March 27, and May 21, 2005, in violation of the requirement that Respondent call into the program each day. While seven of the thirteen occasions in which Respondent failed to call into the program occurred on days when providing a urine sample was not possible due to the availability of the collection facility, collection was possible on the other six days. Respondent failed to provide a urine sample for drug testing on May 4, 2005, as required by his Board order because he failed to call into the drug screening program as required.



10. Paragraph 10 of the April 20, 2003, Decision and Order, clearly states that in the event Respondent violates or fails to comply with any of the terms or conditions of the Decision and Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 143 and 272 and 653 IAC 12.2. (See Paragraph L of Attachment - I).

**On this** the 2<sup>nd</sup> day of June, 2005, the Iowa Board of Medical Examiners finds probable cause to file this Statement of Charges.



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Bruce L. Hughes, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, IA 50309-4686