

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

\*\*\*\*\*

**IN THE MATTER OF THE APPLICATION**

**FOR MEDICAL LICENSURE OF**

**RODOLFO C. NELLAS, M.D., APPLICANT**

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**AMENDED PRELIMINARY NOTICE OF DENIAL**

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**TO: RODOLFO C. NELLAS, M.D.**

**YOU ARE HEREBY NOTIFIED** that on January 12, 2006, the Iowa Board of Medical Examiners voted to issue this preliminary notice that it intends to deny your application for a permanent Iowa license to practice medicine and surgery. The preliminary notice is based upon the following:

**STATUTORY VIOLATIONS**

- I. Pursuant to Iowa Code Section 147.4(2005), the Board may refuse to grant a license to practice medicine upon any of the grounds for which a license may be revoked or suspended. The Board alleges you have committed fraud in procuring a license, in violation of Iowa Code Sections 147.55(1) and 272C.10(1) and 653 IAC 12.4(1). Fraud in procuring a license includes, but is not limited to, an intentional perversion of the truth in making application for a license to practice medicine and surgery, ... and includes false representations of material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that, which should have been disclosed when making application for a license in this state, or attempting to file or filing with the board any false or forged document submitted with an application for a license in this state. 653 IAC 12.4(1).
- II. You do not meet the requirements of Iowa Code Section 148.3(2) for obtaining an Iowa medical license.

## FACTUAL CIRCUMSTANCES

1. On October 27, 2005, the Iowa Board of Medical Examiners (IBME) received an application for permanent licensure from Dr. Nellas.
2. In Section 9, Examination Information, of the application, Dr. Nellas stated he had passed the Florida state board examination in 1978. Dr. Nellas took the FLEX examination 19 times but never passed that examination; his last examination attempt was in June of 1985. Physicians who took the FLEX examination during that time period are required to provide evidence of successful achievement of at least two of the following: 1) Certification under seal that the applicant passed FLEX with a FLEX-weighted average of 75 percent or better, as determined by the state medical licensing authority, in no more than two sittings; 2) verification under seal of medical licensure in the state that administered the examination; or 3) evidence of current certification by an American specialty board approved or recognized by the Council of Medical Education of AMA, ABMS, or AOA.  
9.4(4). Dr. Nellas does not meet any of these three requirements.
3. In Section 11 of the "Questions" section of the application, Dr. Nellas responded "no" to, *"Have you ever been charged, convicted, found guilty of or entered a plea of guilty or no contest to a felony or misdemeanor crime (other than minor traffic violations with fines under \$100)?"*
4. On the Criminal History Background Check Waiver that was received November 23, 2005, Dr. Nellas responded "no" to, *"Have you ever been charged, convicted, found guilty of or entered a plea of guilty or no contest to a felony or misdemeanor crime (other than minor traffic violations with fines under \$100)?"*
5. On January 3, 2006, the Board received the police report from the Hastings, NE Police Department. The report indicated that Dr. Nellas was arrested for shoplifting two Vicks inhalers and two Extra-Strength Tylenol caplets.

## NOTICE OF APPEAL RIGHTS

Pursuant to the provisions of 653 IAC 9.15, you may appeal the Board's preliminary notice of denial of license by serving a request for hearing on the Board's executive director not more than thirty days from the date this notice was mailed. That notice shall contain your current address, shall specify the factual or legal errors in the Board's notice, and may provide additional written information or documents in support of licensure. The request will be deemed filed in the board office as provided in 653 IAC 9.15, a copy of which is attached.

If you do not appeal this preliminary notice of denial in accordance with 653 IAC 9.15, the preliminary notice of denial automatically becomes final and will be considered a public record.

Dated: April 7, 2006

IOWA BOARD OF MEDICAL EXAMINERS



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Bruce Hughes, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8th St., Suite C  
Des Moines, IA 50309-4686

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5. On December 30, 2005, the Federal Bureau of Investigation (FBI) criminal background check was received.
6. The FBI performed a search of their records on November 14, 2005. The FBI Identification Record indicated that Dr. Nellas was arrested on July 20, 2005, for shoplifting in Nebraska.
7. On January 3, 2006, the Board received the police report from the Hastings, NE Police Department. The report indicated that Dr. Nellas was arrested for shoplifting two Vicks inhalers and two Extra-Strength Tylenol caplets.

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Dated: March 16, 2006

IOWA BOARD OF MEDICAL EXAMINERS



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Bruce Hughes, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8th St., Suite C  
Des Moines, IA 50309-4686