

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**PAUL J. SAMO, M.D., RESPONDENT**

**FILE NO. 02-08-220**

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**SETTLEMENT AGREEMENT**

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COMES NOW the Iowa Board of Medicine (Board), and Paul J. Samo, M.D., (Respondent), and on April 2, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4)(2007), enter into this Settlement Agreement to resolve the contested case currently on file.

1. Respondent was issued Iowa medical license no. 30527 on May 2, 1995.
2. Respondent's Iowa medical license has been inactive due to nonrenewal since October 1, 2008.
3. Respondent formerly practiced psychiatry in Grundy Center, Iowa.
4. On December 10, 2008, the Wisconsin Medical Examining Board indefinitely suspended Respondent's Wisconsin medical license due to concerns about his health and his unprofessional conduct.
5. On February 12, 2009, the Iowa Board charged Respondent with being disciplined by the Wisconsin Board, suffering from a physical or mental health condition which impairs his ability to practice medicine and engaging in unprofessional conduct in the practice of medicine.

6. Respondent's Iowa medical license is inactive, he is not currently practicing medicine, and he does not intend to return to the practice of medicine at this time. Respondent shall not engage in any aspect of the practice of medicine unless and until he receives prior written approval from the Board.

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Wisconsin Board, suffering from a physical or mental health condition which impairs his ability to practice medicine and engaging in unprofessional conduct in the practice of medicine. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

8. **CIVIL PENALTY:** Upon his return to the practice of medicine, Respondent shall pay a civil penalty in the amount of **\$2,500**. The civil penalty shall be made payable to the Treasurer of Iowa and mailed to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

9. **COMPREHENSIVE EVALUATION:** Prior to returning to the practice of medicine, Respondent shall complete a comprehensive physical, neuropsychological and mental health evaluation at a Board-approved program. Respondent shall fully comply with all recommendations of the program and the Board following the evaluation. Respondent shall be responsible for all costs associated with the evaluation.

10. **INDEFINITE PROBATION:** Respondent shall be placed on **indefinite probation** subject to the following terms and conditions:

A. **Board Monitoring Program:** Respondent shall contact Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des

Moines, IA 50309-4686, Ph. #515-281-3654, to establish a monitoring program.

Respondent shall fully comply with all requirements of the monitoring program.

**B. Medical Treatment:** Respondent shall submit for Board approval the name and CV of a physician to provide ongoing medical treatment.

(1) The physician shall submit written quarterly reports concerning Respondent's health no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

(2) Respondent shall continue medical treatment until discharged by the Board-approved physician and until Respondent's discharge from treatment is approved by the Board.

(3) Respondent shall meet with the Board-approved physician as frequently as recommended by the physician and approved by the Board. All costs for the medical treatment shall be Respondent's responsibility.

**C. Counseling:** Respondent shall submit for Board approval the name and CV of a counselor to provide ongoing counseling.

(1) The counselor shall submit written quarterly reports concerning Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

(2) Respondent shall continue with counseling until discharged by the Board-approved counselor and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with the Board-approved counselor as frequently as recommended by the counselor and approved by the Board. All costs for the counseling shall be Respondent's responsibility.

**D. Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys:**

(1) Respondent shall post the Principles of Medical Ethics in his medical practice as directed by the Board.

(2) Respondent shall utilize Staff Surveillance Forms in his medical practice as directed by the Board.

(3) Respondent shall utilize Patient Satisfaction Surveys in his medical practice as directed by the Board.

**E. Worksite Monitor:** Respondent shall submit for Board approval the name of a physician who regularly observes Respondent in the practice of medicine to serve as worksite monitor. The Board shall share a copy of all Board orders in this matter with the worksite monitor. The worksite monitor shall provide a written statement indicating that the monitor agrees to act as the worksite monitor under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of professional misconduct, physical or mental health impairment or a violation of this Order. The monitor shall agree to submit quarterly reports no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

- F. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with the terms of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of the Order.
- G. **Board Appearances:** Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).
- H. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report from Respondent required by this Order. The monitoring fee shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The Monitoring Fee shall be considered repayment receipts as defined in Iowa Code section 8.2.C.
- I. **Compliance with the Terms of Probation:** Respondent's Iowa medical license is inactive and he is not currently practicing medicine. Respondent shall not return to the practice of medicine unless he receives written approval from the Board. Respondent shall not be required to comply with the terms of probation established in this order until and unless he returns to the practice of medicine.

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

12. This Order constitutes the resolution of a contested case proceeding.


13. Respondent voluntarily submits this Order to the Board for consideration.

14. In the event Respondent violates or fails to comply with any of the terms or conditions of this 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 25.

15. By entering into this 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.

16. This Order is subject to approval by the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

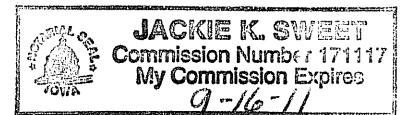
17. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Paul J. Samo, M.D., Respondent

Subscribed and sworn to before me on March 30, 2009.

Notary Public, State of Iowa.



*Jackie K. Sweet*

This Order is approved by the Board on April 2, 2009.



Yasyn Lee, M.D., Chair  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**PAUL J. SAMO, M.D., RESPONDENT**

**FILE NO. 02-08-220**

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**STATEMENT OF CHARGES**

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**COMES NOW** the Iowa Board of Medicine on February 12, 2009, and files this Statement of Charges pursuant to Iowa Code section 17A.12 (2). Respondent was issued Iowa medical license no. 30527 on May 2, 1995. Respondent's Iowa medical license has been inactive due to nonrenewal since October 1, 2008.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing. A disciplinary contested case hearing shall be held on March 25, 2009, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 IAC 24.2(5)(d) to file an Answer. In that Answer, you should state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Theresa O'Connell Weeg, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Theresa O'Connell Weeg at 515-281-6858.



## **B. LEGAL AUTHORITY AND JURISDICTION**

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C (2007).

8. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C (2007) and 653 IAC 25.

9. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 25.20.

## **C. SECTIONS OF STATUTES AND RULES INVOLVED**

### **COUNT I**

10. Respondent is charged pursuant to Iowa Code section 148.6(2)(d) (2007) with being disciplined by the medical licensing authority of another state.

### **COUNT II**

11. Respondent is charged pursuant to Iowa Code section 148.6(2)(h) (2007) and 653 IAC section 23.1(8) with suffering from a physical, neuropsychological or mental condition which may impair his ability to practice medicine with reasonable skill and safety.

### **COUNT III**

12. Respondent is charged pursuant to Iowa Code section 147.55(3) (2007) and 653 IAC 23.1(3) and (4) with engaging in unethical or unprofessional conduct or practice harmful or detrimental to the public.

## STATEMENT OF THE MATTERS ASSERTED

13. Respondent formerly practiced psychiatry in Grundy Center, Iowa.

14. On December 10, 2008, the Wisconsin Medical Examining Board indefinitely suspended Respondent's Wisconsin medical license due to concerns about his physical, neuropsychological and mental health and unprofessional conduct, including but not limited to, the following:

- A. Respondent has been diagnosed with Parkinson's disease.
- C. Respondent has been diagnosed with, and is being treated for, depression and anxiety.
- B. Respondent made inappropriate romantic advances toward a female psychiatric patient that he treated. Respondent's inappropriate contacts with the patient had a very negative impact on her mental health.

## E. SETTLEMENT

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

**F. PROBABLE CAUSE FINDING**

16. On February 12, 2009, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Yasyn Lee, M.D., Chairperson  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686