

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

RUSSELL D. ENGLAND, M.D., RESPONDENT

FILE No. 02-2016-067

**STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board) and Russell D. England, M.D., (Respondent), on June 8, 2018, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. **Iowa Medical License:** Respondent was issued Iowa medical license MD-23126 on July 26, 1982. Respondent's Iowa medical license is active and will next expire on December 1, 2019.

2. **Jurisdiction:** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

3. **Improper Prescribing:** Respondent is charged pursuant to Iowa Code sections 147.55(2) and 272C.10(2) and 653 IAC 23.1(2)(d) for demonstrating a substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physicians in the state of Iowa acting in the same of similar circumstances.

COUNT II

4. **Improper Pain Management:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 13.2 with willfully or repeatedly violating a lawful rule or regulation adopted by the Board when he violated the standards of practice for appropriate pain management.

COUNT III

5. **Prescribing to Self and Immediate Family Members:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 13.2 with willfully or repeatedly violating a lawful rule or regulation adopted by the Board when he self-prescribed controlled substances for his own use and when he prescribed controlled substances to members of the his immediate family.

STATEMENT OF MATTERS ASSERTED

6. **Practice Setting:** Respondent is an Iowa-licensed physician who practices psychiatry in Fairfield, Iowa.

7. **Improper Prescribing/Pain Management:** Respondent violated the laws and rules governing the practice of medicine in Iowa when he engaged in improper prescribing and pain management to multiple patients, prescribed controlled substances to a patient and a colleague without performing appropriate evaluations and without maintaining appropriate medical records and prescribed controlled substances to himself and members of his immediate family including, but not limited to, the following:

A. **Psychotropic Medications:** Respondent prescribed excessive dosages, quantities and combinations of benzodiazepines, including early refills, to multiple patients with comorbid conditions, including substance abuse, for lengthy periods of time, without discussing and/or documenting discussions about the risks associated with drug and alcohol abuse, the increased risk of suicide, and the risk of dementia later in life.

B. **Pain Management/Polypharmacy:** Respondent prescribed excessive dosages, quantities and combinations of opioids, benzodiazepines and sedatives to multiple patients with comorbid conditions, including psychiatric diagnosis and substance abuse, for lengthy periods of time, without establishing and/or documenting appropriate patient evaluations; treatment plans; discussions of the risks, adverse effects and potential interactions of the medications; periodic review of the course of treatment; consultations and/or referrals to specialists; use of pain management agreements; discussions regarding substance abuse, comorbid psychiatric disorders or social issues; use of drug testing; and use of the Iowa Prescription Monitoring Program.

C. **Prescribing to a Patient and a Colleague without Evaluations or Records:**

Respondent prescribed controlled substances to a patient who was a friend of his family and a colleague without performing appropriate evaluations and without maintaining appropriate medical records.

D. **Prescribing to Self and Family Members:**

Respondent self-prescribed controlled substances (benzodiazepines) for his own use and prescribed controlled substances (sleep aids) to members of his immediate family and without maintaining appropriate medical records.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is **CITED** for violating the laws and rules governing the practice of medicine when he engaged in improper prescribing and pain management to multiple patients, prescribed controlled substances to a patient and a colleague without performing appropriate evaluations and without maintaining appropriate medical records and prescribed controlled substances to himself (benzodiazepines) and members of his immediate family (sleep aids). Respondent is **WARNED** that such practice in the future may result in further disciplinary action against his Iowa medical license.

9. **CIVIL PENALTY:** Respondent shall pay a **\$5,000 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be paid by delivery of a check or money order, to the executive director of the Board, payable to the Treasurer of Iowa. The civil penalty shall be deposited into the State General Fund.

10. **PROHIBITION - CHRONIC PAIN MANAGEMENT:** Respondent is prohibited from prescribing, administering or dispensing controlled substances for the treatment of chronic pain under his Iowa medical license. Pursuant to 653 IAC 13.2(1), “*Chronic pain* means persistent or episodic pain of a duration or intensity that adversely affects the functioning or well-being of a patient when (1) no relief or cure for the cause of pain is possible; (2) no relief or cure for the cause of pain has been found; or (3) relief or cure for the cause of pain through other medical procedures would adversely affect the well-being of the patient.” This prohibition does not prohibit Respondent from prescribing, administering or dispensing controlled substances for the treatment of acute pain.

11. **THREE YEARS PROBATION:** Respondent shall be placed on **probation for a period of three (3) years** subject to the following terms and conditions:

- A. **Monitoring Program:** Respondent shall establish a monitoring program with Mary Knapp, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-5525. Respondent shall fully comply with all requirements of the monitoring program.
- B. **Prescribing Audits:** Respondent shall fully comply with Board-approved audits of his controlled substance prescribing during the period of this Order. Respondent shall submit the names of all patients he has prescribed controlled substances for each quarter. From that list, the Board shall select 10 patients quarterly. Respondent shall provide the Board copies of the medical records for each patient selected for review.

- C. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms of this Order no later than 1/10, 4/10, 7/10 and 10/10 of each year for the duration of the period of this Order.
 - D. **Board Appearances:** Respondent shall appear before the Board annually or upon request of the Board during the period of this order. Respondent shall be given notice of the date, time and location of the appearances. The appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
 - E. **Monitoring Fee:** Respondent shall make a payment of \$200 to the Board each quarter for the duration of his probation to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with all quarterly reports required during his probation. The monitoring fee shall be sent to: Compliance, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine.
- 12. Respondent voluntarily submits this Order to the Board for consideration.
 - 13. Respondent agrees that the State's counsel may present this Order to the Board for consideration.
 - 14. This Order constitutes the resolution of a contested case proceeding.
 - 15. Respondent shall demonstrate to the Board that he has shared a copy of this order with all medical licensing boards where he holds a medical license, whether active or not, within thirty (30) days of the date of this order.

16. Respondent shall demonstrate to the Board that he has shared a copy of this order with all hospitals and clinics where he practices medicine within thirty (30) days of the date of this order.

17. Respondent understands that by entering into this Order, he has a right to legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

18. Respondent understands that by entering into this Order, he cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

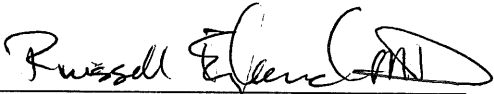
19. Periods in which Respondent does not practice medicine, practices medicine in another jurisdiction or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

20. Respondent understands that the Board is required by Federal law to report this order to the National Practitioner Data Bank.

21. This order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

22. This order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

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




Russell D. England, M.D., Respondent

Subscribed and sworn to before me on April 10th, 2018.

Notary Public, State of Iowa.

This Order is approved by the Board on June 8, 2018.



Kyle G. Ulveling, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

