

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

*
IN THE MATTER OF THE COMPLAINT *
*
AND STATEMENT OF CHARGES AGAINST * ORDER
*
LES L. BARRICKMAN, D.O., * 03-92-225
*
RESPONDENT *
*

NOW ON June 3, 1993, BE IT REMEMBERED:

1. That Les L. Barrickman, D.O.(hereafter the Respondent), was issued a license to practice osteopathic medicine and surgery in the state of Iowa, on July 1, 1983, as evidenced by certificate number 01988, 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 April 29, 1993, and was scheduled to be heard before the Board.
3. That the Board has jurisdiction of the parties and the subject matter herein.
4. That the undersigned is authorized to issue an Order herein on the behalf of the Board, under the provisions of sections 148.6(1), 148.6(2) and 148.7(7), of the 1993 Code of Iowa.
5. That pursuant to the provisions of sections 17A.10 and 272C.3(4) of the 1993 Code of Iowa, the Respondent and the Board have entered into an Informal Settlement providing that the undersigned should enter an Order relating to the Respondent's license to practice osteopathic medicine and surgery in the state of Iowa.

THEREFORE IT IS ORDERED that the Respondent's license to practice osteopathic medicine and surgery in the state of Iowa is hereby placed on probation for four (4) years

under the following terms and conditions:

- A. The Respondent shall pay a civil penalty of \$5,000.00 within sixty (60) days of the date of the acceptance of the Informal Settlement. The Respondent shall deliver a check or money order in said amount, made payable to the Treasurer of Iowa, to the Executive Director of the Board. The civil penalty shall be deposited into the general fund.
- B. The Respondent shall not consume alcohol.
- C. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by another duly licensed, treating health care practitioner. The Respondent shall inform the said health care practitioner of the terms of the Informal Settlement and this Order prior to accepting any medication.
- D. The Respondent shall not possess, administer, or dispense, controlled substances until further order of the Board.
- E. The Respondent may prescribe controlled drugs, however the Respondent shall maintain a record of all controlled substances prescribed. The record shall show the following:
 - 1) the name and address of the patient;
 - 2) the date the controlled substance was prescribed;
 - 3) the character and quantity of controlled substances involved; and
 - 4) the diagnosis and purpose for which the controlled substance was prescribed.

The Respondent may use triplicate prescriptions in satisfaction of this requirement. When triplicate prescriptions are used, one copy shall be provided to the patient, one copy shall be retained by the physician and

one copy shall be provided to the Board on demand.

- F. The Respondent shall submit to witnessed blood or urine samples on demand by an agent of the Board. The samples shall be used for alcohol and drug testing all costs of which shall be paid by the Respondent.
- G. The Respondent shall within thirty (30) days of the date of acceptance of the Informal Settlement submit to the Board the names and curriculum vitae of three physicians or counselors practicing in Iowa. The Board may approve one of the three to provide the Respondent aftercare treatment or counseling.
 - (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 until such discharge is approved by the Board.
- H. The Respondent shall attend at least one (1) meeting of Alcoholics Anonymous (AA), Narcotics Anonymous (NA) or a similar organization weekly. Quarterly reports submitted under paragraph 4-I shall include a statement by the Respondent attesting to attendance and listing the date and place of each meeting attended. In addition, the Respondent shall append to each report a statement signed or initialed by another member of the organization attesting to the Respondent's attendance.
- I. The Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of the Informal Settlement and this Order.
- J. The Respondent shall make appearances annually 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.

K. 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 or this Order. Evidence that the Respondent has consumed alcohol or possessed or used drugs in violation of the Informal Settlement while outside the state, however, shall constitute a violation of the Informal Settlement and this Order.

6. In the event the Respondent violates or fails to comply with any of the terms or conditions 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 Chapters 272C and 148 and 653 I.A.C. 12.2.

7. Upon full compliance with the terms and conditions set forth in this Order and the 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.

IOWA STATE BOARD OF MEDICAL EXAMINERS



Charlotte A. Cleavenger, D.O., Chairman
1209 East Court Avenue
Des Moines, IA 50319
Telephone (515) 281-5171

form unless prescribed for him by another duly licensed, treating health care practitioner. The Respondent shall inform the said health care practitioner of the terms of this Informal Settlement prior to accepting any medication.

- D. The Respondent shall not possess, administer, or dispense, controlled substances until further order of the Board.
- E. The Respondent may prescribe controlled drugs, however the Respondent shall maintain a record of all controlled substances prescribed. The record shall show the following:
 - 1) the name and address of the patient;
 - 2) the date the controlled substance was prescribed;
 - 3) the character and quantity of controlled substances involved; and
 - 4) the diagnosis and purpose for which the controlled substance was prescribed.

The Respondent may use triplicate prescriptions in satisfaction of this requirement. When triplicate prescriptions are used, one copy shall be provided to the patient, one copy shall be retained by the physician and one copy shall be provided to the Board on demand.

- F. The Respondent shall submit to witnessed blood or urine samples on demand by an agent of the Board. The samples shall be used for alcohol and drug testing all costs of which shall be paid by the Respondent.
- G. The Respondent shall within thirty (30) days of the date of acceptance of this Informal Settlement submit to the Board the names and curriculum vitae of three physicians or counselors practicing in Iowa. The Board may approve one of the three to provide the Respondent aftercare treatment or counseling.

(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 until such discharge is approved by the Board.

H. The Respondent shall attend at least one (1) meeting of Alcoholics Anonymous (AA), Narcotics Anonymous (NA) or a similar organization weekly. Quarterly reports submitted under paragraph 4-I shall include a statement by the Respondent attesting to attendance and listing the date and place of each meeting attended. In addition, the Respondent shall append to each report a statement signed or initialed by another member of the organization attesting to the Respondent's attendance.

I. The Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of this Informal Settlement.

J. The Respondent shall make appearances annually 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.

K. 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 this Informal Settlement. Evidence that the Respondent has consumed alcohol or possessed or used drugs in violation of this Informal Settlement while outside the state, however, shall constitute a violation of this Informal Settlement.

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

IN THE MATTER OF THE APPLICATION :

FOR LICENSURE FILED BY :

PAUL ANDERSON, D.O., :

RESPONDENT. :

INFORMAL AGREEMENT

COMES NOW the respondent, Paul Anderson, D.O., and offers the following agreement in order to obtain licensure in the State of Iowa.

1. That the respondent be granted a temporary license to practice medicine and surgery for a period of one year with the following stipulations:

- a. That one year after the issuance of the temporary license, that the respondent shall appear in person before the Board of Medical Examiners for review and consideration of the issuance of a permanent license.
- b. That the respondent shall abstain completely from the use of alcoholic beverages.
- c. That the respondent shall abstain completely from the personal use of drugs, except those drugs which are prescribed, administered or dispensed to the respondent by another person authorized by law to do so.
- d. That the respondent shall comply immediately with requests from the Board of Medical Examiners' designee to submit to biological fluid testing.
- e. That the respondent shall comply with the Board of Medical Examiners' surveillance program.
- f. That the respondent shall obey all federal, state and local laws and all rules governing the practice

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
LES L. BARRICKMAN, D.O., : OF CHARGES
RESPONDENT : 03-92-225

COMES NOW Ann M. Martino, Ph.D., Executive Director of the Iowa State Board of Medical Examiners (hereafter the Board), on April 29, 1993, and at the direction of the Board, files this Complaint and Statement of Charges against Les L. Barrickman, D.O.(hereafter the Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. That C. L. Peterson, D.O., Chairman; John W. Olds, M.D., Vice Chairman; Laura Stensrud, Secretary; Edra Broich; James Catherine, M.D.; Charlotte Cleavenger, D.O.; James D. Collins, Jr., M.D.; Mary C. Hodges; George G. Spellman, Sr., M.D.; 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 01988 to practice osteopathic medicine and surgery in the state of Iowa on July 1, 1983, as recorded in the permanent records in the office of the Board.

3. That the Respondent's license is current until November 1, 1993.

4. That on or about August 30, 1992, the Respondent was arrested and charged with Possession of a Schedule IV Controlled Substance (ie: diazepam), in violation of Section 204.401 subsection 3 of the 1991 Code of Iowa.

5. That on or about August 30, 1992, the Respondent was arrested and charged with Possession of a Schedule II Controlled Substance (ie: cocaine), in violation of Section 204.401 subsection 3 and Section 204.206 subsection 2 of the 1991 Code of Iowa.

6. That on or about January 15, 1993, the Respondent entered a plea of guilty to the offense of Possession of a Schedule IV Controlled Substance (ie: diazepam), in violation of Section 204.401 subsection 3 of the 1991 Code of Iowa.

7. That on or about February 5, 1993, based on the plea of guilty the Respondent was fined \$200.00 for the offense of Possession of a Schedule IV Controlled Substance.

8. That on or about January 15, 1993, the Respondent entered a plea of guilty to the offense of Possession of a Schedule II Controlled Substance (ie: cocaine), in violation of Section 204.401 subsection 3 and Section 204.206 subsection 2 of the 1991 Code of Iowa.

9. That on or about February 5, 1993, based on the plea of guilty the Respondent was fined \$500.00 for the offense of Possession of a Schedule II Controlled Substance.

10. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 148.6(1), 148.6(2), and 148.6(2)(c) of the 1993 Code of

Iowa, 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 272C, or this subsection..."

148.6(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:"

148.6(2)(c) - "Violating a statute or law of this state...without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine."

11. 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(9), 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(9) - "Violating a statute or law of this state...without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine."

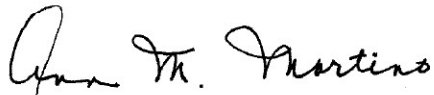
653-12.4(28) - "Violating any of the grounds for the revoca-

tion or suspension of a license listed in Iowa Code sections...148.6."

12. That paragraphs 10 and 11 constitute grounds for the Board to revoke, suspend or otherwise discipline the license to practice osteopathic medicine and surgery issued to the Respondent on July 1, 1983.

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)(c), of the 1993 Code of Iowa, and 653 I.A.C. 12.4, 12.4(9), 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 findings of fact and decision to revoke, suspend or otherwise discipline the license to practice osteopathic medicine and surgery issued to the Respondent on July 1, 1983, 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
1209 East Court Avenue
Des Moines, IA 50319
Telephone: (515) 281-5171

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES

LES L. BARRICKMAN, DO, RESPONDENT

No. 03-95-060

INFORMAL SETTLEMENT

COMES NOW the Iowa Board of Medical Examiners (the Board) and Les L. Barrickman, DO (the Respondent), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Informal Settlement of the contested case currently on file against the Respondent:

- 1) The Respondent was issued license number 01988 to practice osteopathic medicine and surgery in Iowa on July 1, 1983.
- 2) A Statement of Charges was filed against the Respondent on October 31, 1996. The Statement of Charges awaits hearing.
- 3) The Board has jurisdiction over the parties and subject matter of the Statement of Charges.
- 4) The Respondent admits the allegations contained in the Statement of Charges.
- 5) Upon the Board's approval of this Informal Settlement, the Respondent shall surrender his Iowa medical license. The license surrender shall be pursuant to the provisions of

INFORMAL SETTLEMENT
Les L. Barrickman, DO
No. 03-95-060

Iowa Code section 148.8. The Respondent shall forward the original license certificate to the Board office not more than ten (10) days following the Board's approval of this Informal Settlement.

6) Any petition filed by the Respondent seeking reinstatement of licensure shall be made pursuant to the provisions of Iowa Code section 148.9 and 653 IAC 12.50(36).

7) This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration. By entering into this Informal Settlement the 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 Informal Settlement.

8) This Informal Settlement is the resolution of a contested case proceeding and is subject to approval by the Board. If the Board does not approve this Informal Settlement it shall be of no force or effect to either party.

9) The Board's approval of this Informal Settlement shall constitute a **FINAL ORDER** of the Board.



Les L. Barrickman, DO, Respondent

Subscribed and sworn to before me on May 8 1996. 1997



Notary Public, State of

HAWAII

City and County of Honolulu

My commission expires 12-16-2000

INFORMAL SETTLEMENT
Les L. Barrickman, DO
No. 03-95-060

This Informal Settlement is approved by the Board on May 22, ¹⁹⁹⁷1996.

Teresa Mock MD

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

DMC/* 11-19-96

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BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE) DIA NO. 96DPHMB-40
COMPLAINT AND STATEMENT) CASE NO. 03-95-060
OF CHARGES AGAINST)
)
LES L. BARRICKMAN, D.O.) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
Respondent) DECISION AND ORDER
) OF THE PANEL

TO: LES L. BARRICKMAN, D.O.

On October 31, 1996, the Executive Director of the Iowa Board of Medical Examiners (Board) filed a Complaint and Statement of Charges against Les L. Barrickman, D.O., (Respondent) alleging that the Respondent had violated the terms and provisions of an informal settlement between the Respondent and the Board and that disciplinary action had been imposed against the Respondent's license to practice osteopathic medicine and surgery in the state of Arizona. The Complaint further alleged that the Iowa Board was authorized to take disciplinary action against the Respondent pursuant to Iowa Code sections 148.6(1), (2)(d), (2)(i), and 653 IAC 12.4 (16) and (28).

An Original Notice and Order for Hearing were issued setting the hearing for December 11, 1996. The hearing was later rescheduled to March 5, 1997, at 12:30 p.m. The Respondent did not appear for the hearing nor was he represented by counsel. The hearing was held before a panel of the Board which included: Eddie D. DeHaan, M.D.; Allen J. Zagoren, D.O.; Teresa A. Mock, M.D.; Mary C. Hodges and Shirley A. Meisenheimer, public members. The state was represented by Theresa O'Connell Weeg, Assistant Attorney General. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter. Margaret LaMarche, Administrative Law Judge, presided and was instructed to prepare this decision of the panel, in accordance with their deliberations.

THE RECORD

The record includes the Complaint and Statement of Charges, the Original Notice, the Order for Hearing, the proof of service, the Orders Rescheduling the Hearing, the testimony of the witness, and the following exhibits:

- State Exhibit A: Complaint, dated 3/9/95
- State Exhibit B: Laboratory Reports
- State Exhibit C: Letter dated 6/6/96 (Rustenburg to Beebe)

- State Exhibit D: Arizona Complaint and Notice of Hearing
- State Exhibit E: Arizona Stipulation and Consent Order for Surrender of License
- State Exhibit F: Order, dated 6/3/93
- State Exhibit G: Investigative Inquiry, dated 6/12/96
- State Exhibit H: Investigative Report, dated 10/8/96

FINDINGS OF FACT

1. The Respondent was issued license number 01988 to practice osteopathic medicine and surgery in the State of Iowa on July 1, 1983, as recorded in the permanent records in the office of the Board. The Respondent's license is currently invalid due to expiration and nonrenewal. (Board licensing file)

2. On June 3, 1993, the Respondent entered into an Informal Settlement with the Board, which placed the Respondent's Iowa license on probation for a period of four (4) years, subject to certain terms and conditions. (Testimony of Gail Beebe; State Exhibit F)

3. Two of the specific terms and provisions of the Informal Settlement were:

The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by another duly licensed, treating health care practitioner.

In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing...Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement or this Order. Evidence that the Respondent has possessed or used drugs in violation of the Informal Settlement while outside the state, however, shall constitute a violation of the Informal Settlement and this Order.

(Testimony of Gail Beebe; State Exhibit F)

4. On February 12, 1994, the Respondent's license to practice osteopathic medicine in the state of New Mexico was placed on probation, pursuant to a Stipulation and Consent Order between the Respondent and the Board of Osteopathic Examiners of the state of New Mexico. (Testimony of Gail Beebe; State Exhibit C)

5. On May 13, 1994 the Respondent and the Board of Osteopathic Examiners for the state of Arizona entered into a Stipulation for Findings of Fact, Conclusions of Law and Consent Order. Pursuant to the terms of that Consent Order, the Respondent's license to practice osteopathic medicine in the state of Arizona was placed on probation, and the Respondent was required to comply with the terms and conditions placed on his probationary license in New Mexico. (Testimony of Gail Beebe; State Exhibit C)

6. On April 27, 1994, the Respondent provided a urine specimen to the New Mexico Monitored Treatment Program. Drug screens were performed on the specimen, which tested positive for a metabolite of cannabis. On January 25, 1995 and on February 3, 1995, the Respondent provided urine specimens to the New Mexico Monitored Treatment Program. Drug screens were performed and both urine specimens were positive for Benzoylecgonine, a metabolite of cocaine. (Testimony of Gail Beebe; State Exhibit B)

7. On January 12, 1996, the Arizona Board issued a Complaint and Notice of Hearing to the Respondent, based upon his positive drug screens for cocaine and for his failure to provide a urine sample as directed by the Arizona Board. (Testimony of Gail Beebe; State Exhibit D)

8. On May 23, 1996, the Respondent and the Arizona Board entered into a Stipulation and Consent Order for Surrender of License. (Testimony of Gail Beebe; State Exhibit E)

9. On June 12, 1996, the Iowa Board sent an investigative inquiry to the Respondent concerning the voluntary surrender of his license to practice osteopathic medicine in the state of Arizona. The Respondent did not reply to this inquiry, and the state of Iowa filed its Statement of Charges on October 31, 1996. The Respondent has not responded to the investigative inquiry. (Testimony of Gail Beebe; State Exhibit G)

10. The Statement of Charges, Original Notice, and Order for Hearing were served on the Respondent by restricted certified mail, return receipt requested, on November 13, 1996. The Order Rescheduling the Hearing was served upon the Respondent by ordinary mail on January 21, 1997. (Board Licensing File; Proof of Service)

CONCLUSIONS OF LAW

1. 653 IAC 12.50(9) provides that a written notice of hearing together with a statement of charges shall be served upon the licensee at least 30 days before the hearing in the manner required for the service of an original notice or by restricted certified mail, return receipt requested.

653 IAC 12.50(21) provides that if a respondent, upon whom a proper notice of hearing has been served, fails to appear either in person or by counsel at the hearing, the board or hearing panel shall proceed with the conduct of the hearing, and the respondent shall be bound by the results of such hearing to the same extent as if the respondent were present.

The Respondent was properly served with the Complaint and Statement of Charges but failed to appear. He is bound by the decision of the Board to the same extent as if he had appeared.

2. Iowa Code sections 148.6(1) and (2)(d) and (i) (1995) provide in relevant part:

148.6 Revocation.

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. Notwithstanding section 272C.3, licensee discipline may include a civil penalty not to exceed ten thousand dollars.

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:

...
d. Having the license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is prima facie evidence.

...
i. Violation the terms and provisions of a ...informal settlement between a licensee and the board.

3. 653 IAC 12.4(16) and (28) provides in relevant part:

653-12.4(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2(272C), 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:

...
(16) ...Violating the terms and provisions of a ...informal settlement...between a licensee and the board.

12.4(28) Violating any of the grounds for the revocation or suspension of a license listed in Iowa Code sections 147.55 and 148.6.

4. The preponderance of the evidence established that the state of Arizona took disciplinary action against the Respondent's license to practice osteopathic medicine and surgery, when it issued a Stipulation and Consent Order for Surrender of License on May 23, 1996. The Respondent has violated Iowa Code section 148.6(2)(d)(1995) and 653 IAC 12.4(28).

The preponderance of the evidence established that the Respondent violated the terms of his Informal Settlement with the Iowa Board when he used cocaine and cannabis, as established by the positive urine drug screens performed by the New Mexico Monitored Treatment Program. The Respondent has violated Iowa Code section 148.6(2)(i)(1995) and 653 IAC 12.4(16).

ORDER

IT IS THEREFORE ORDERED, that if this Proposed Decision of the panel becomes a final decision, the osteopathic medical license of Les L. Barrickman, D.O., license number 01988, shall be REVOKED.

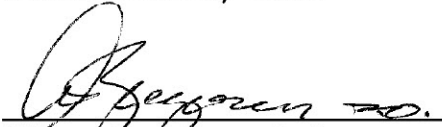
IT IS FURTHER ORDERED, in accordance with 653 IAC 12.51, that the Respondent shall pay a disciplinary hearing fee of \$75.00. In addition, the Respondent shall pay any costs certified by the executive director and reimbursable pursuant to subrule 12.51(3). All fees and costs shall be paid in the form of a check or money order payable to the state of Iowa and delivered to the department of public health, within thirty days of the issuance of a final decision.

Dated this 9TH day of APRIL, 1997.

THE PANEL:



Eddie DeHaan, M.D.



Allen Zagoren, D.O.



Teresa Mock, M.D.

Mary C. Hodges
Mary Hodges, Public Member

Shirley Meisenheimer
Shirley Meisenheimer, Public Member

cc: Theresa O'Connell Weeg
Assistant Attorney General

In accordance with 653 IAC 12.50(29), a proposed decision becomes a final decision unless appealed to the Board by a party adversely affected by serving a notice of 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 STATEMENT OF CHARGES AGAINST

LES L. BARRICKMAN, D.O., RESPONDENT

No. 03-95-060

STATEMENT OF CHARGES

COMES NOW Ann M. Martino, Ph.D., Executive Director of the Iowa Board of Medical Examiners (the Board), on October 31, 1996, and at the direction of the Board files this Statement of Charges against Les L. Barrickman, D.O. (the Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. That James D. Collins, Jr., M.D., Chairperson; Laura J. Stensrud, Vice Chairperson; Teresa A. Mock, M.D., Secretary; James M. Caterine, M.D.; Eddie D. DeHaan, M.D.; Mary C. Hodges; Dale R. Holdiman, M.D.; Shirley A. Meisenheimer; Donna M. Norman, D.O.; and Allen J. Zagoren, D.O., are the duly appointed, qualified and acting members of the Board.

2. That the Respondent was issued license number 01988 to practice osteopathic medicine and surgery in Iowa on July 1, 1983.

3. That the Respondent's license is currently invalid for practice due to expiration and non-renewal.

4. That on June 3, 1993, the Respondent entered into an Informal Settlement with the Board placing the Respondent's Iowa Medical license on probation, for a period of four (4) years, under certain terms and conditions.

5. That two of the specific terms and provisions of the Informal Settlement are:

The Respondent shall not use any controlled or prescription drug in any form unless prescribed form him by another duly licensed, treating health care practitioner.

In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing ... Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement or this Order. Evidence that the Respondent has ... possessed or used drugs in violation of the Informal Settlement while outside the state, however, shall constitute a violation of the Informal Settlement and this Order.

6. That the Respondent used the controlled drug Cocaine in violation of the terms and provisions of the Informal.

7. That on or about January 12, 1996, the executive director of the Arizona Board of Osteopathic Examiners in Medicine and Surgery (Arizona Board) filed a Complaint and Notice of Hearing initiating a disciplinary action against the Respondent before the Arizona Board. The Complaint, a copy of which is attached as Exhibit A, alleged that the Respondent was subject to discipline due to: 1) his use of cocaine; and, 2) his failure to provide a required urine specimen..

8. That on or about May 23, 1996, the Respondent entered into a Consent Order for Surrender of License with the Arizona Board as a disposition to the disciplinary action. The Order a copy of which is attached as Exhibit B, called for the surrender of the Respondent's license for the practice of osteopathic medicine and surgery in the State of Arizona within ten (10) days.

9. The Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 148.6(1), 148.6(2), 148.6(2)d and 148.6(2)i of the 1995 Code of Iowa and 653 IAC 12.4, 12.4(16) and 12.4(28) 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 272C, or this subsection ...

148.6(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:

148.6(2)d - Having the license to practice ... osteopathic medicine and surgery ... revoked or suspended, or having other disciplinary action taken by a licensing authority of another state ...

148.6(2)(i) - ...[V]iolating the terms and provisions of a ... informal settlement between a licensee and the board.

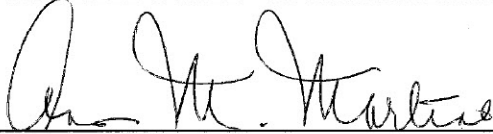
653-12.4 - Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2, including civil penalties in an amount not to exceed \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:

653-12.4(16) ...[V]iolating the terms and provisions of a ... informal settlement ... between a licensee and the board.

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

WHEREFORE the undersigned charges that pursuant to the provisions of the Iowa Code sections and Iowa Administrative Code rules outlined herein, the Respondent is subject to disciplinary action by the Board. The undersigned prays that the Board enter an order fixing a time and place of hearing for the 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 license to practice osteopathic medicine and surgery issued to the Respondent on July 1, 1983, and for such other relief as the Board deems just in the premises.

IOWA STATE BOARD OF MEDICAL EXAMINERS



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