

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

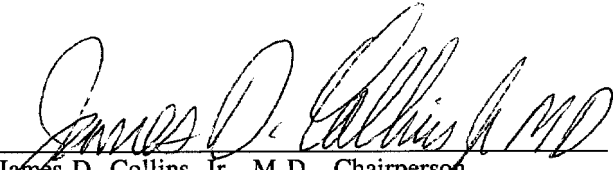
IN THE MATTER OF THE COMPLAINT *
*
AND STATEMENT OF CHARGES AGAINST * **ORDER**
*
GEORGE A. YOUNG, III, M.D. * **02-93-223**
*
RESPONDENT *

NOW ON 14 December 19 94 BE IT REMEMBERED:

1. That on June 16, 1994, an Order was issued by the Iowa State Board of Medical Examiners (hereafter the Board), placing the license to practice medicine and surgery, number 23174 issued to George A. Young, III, M.D. (hereafter the Respondent) on August 11, 1982, on probation under certain terms and conditions; and,
2. That the Respondent has successfully completed probation as directed; and:
3. That the Board having directed that the probation placed upon the Respondent's license to practice medicine and surgery should be terminated:

IT IS HEREBY ORDERED:

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


James D. Collins, Jr., 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 COMPLAINT *
*
AND STATEMENT OF CHARGES AGAINST * **ORDER**
*
GEORGE A. YOUNG, III, M.D., * **02-93-223**
*
RESPONDENT *
*

NOW ON June 16, 1997, BE IT REMEMBERED:

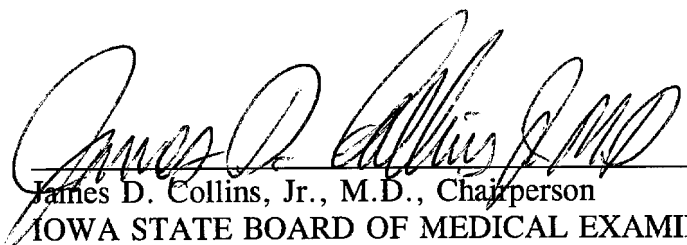
1. That George A. Young, III, M.D., (hereafter the Respondent), was issued a license to practice medicine and surgery in the state of Iowa, on August 11, 1982, as evidenced by certificate number 23174, which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners (hereafter the Board).
2. That a Complaint and Statement of Charges was filed against the Respondent, on December 20, 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 medicine and surgery in the state of Iowa.

THEREFORE IT IS ORDERED that the Respondent's license to practice medicine and surgery in the state of Iowa is hereby placed on probation to run concurrently with the Respondent's probation in Nebraska. A copy of Respondent's Nebraska probation order is hereto attached as Exhibit "A".

6. In the event the Respondent violates or fails to comply with any of the terms or provisions 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 the Informal Settlement and this Order and upon proof of release from the terms of the Nebraska probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.



James D. Collins, Jr., M.D., Chairperson
IOWA STATE BOARD OF MEDICAL EXAMINERS
1209 East Court Avenue
Des Moines, IA 50319-0180

BEFORE THE DIRECTOR OF HEALTH
OF THE STATE OF NEBRASKA

STATE OF NEBRASKA ex rel.,)
DON STENBERG, Attorney)
General,)
)
Plaintiff,)
)
v.)
)
GEORGE A. YOUNG, III, M.D.,)
)
Defendant.)

ORDER ON AGREED
SETTLEMENT

SUMMARY OF THE CASE

A Petition for Disciplinary Action was filed with the Director on December 3, 1992 alleging the defendant had engaged a patient in a sexual relationship in violation of Neb. Rev. Stat. §71-142(2), (5)(a), (5)(d) and (10).

The petition was set for hearing on January 20, 1993. A hearing was held on defendant's Motion to Make More Definite and Certain on December 22, 1992 and resolved in an order dated December 24, 1992.

The January 20, 1993 hearing was continued until February 4, 1993 on motion of the defendant. The February 4, 1993 hearing was continued on motion of the plaintiff until March 18, 1993. The March 18, 1993 hearing was continued until April 21, 1993 on motion of the plaintiff. The April 21, 1993 hearing was continued until May 3, 1993 on motion of the plaintiff.

An amended petition was filed with the Director on April 7, 1993 and a hearing scheduled for that amended petition for June 2, 1993. The June 2, 1993 hearing was continued when the Hearing Officer was advised a proposed Agreed Settlement was forthcoming. A proposed Agreed Settlement was filed with the Director on June 10, 1993.

ORDER

1. The Agreed Settlement is attached hereto and incorporated by reference.
2. As per the provisions of the Agreed Settlement, the defendant denies that his professional conduct constituted any violation of any paragraph of Neb. Rev. Stat. §71-142, but in order to avoid a full hearing on the merits has agreed to the disposition set out below.

3. Pursuant to the Agreed Settlement the defendant shall be and hereby is reprimanded.
4. As per the Agreed Settlement the defendant shall pay a civil penalty in the amount of \$1,000 within six (6) months of the date of this order.
5. As per the Agreed Settlement the defendant's license to practice in the State of Nebraska shall be placed upon probation for a period of fifteen (15) months from the date of this order, subject to the terms and conditions of paragraphs 5, A through F, of the Agreed Settlement.

DATED this 2nd day of July, 1993.



A handwritten signature in black ink, appearing to read "Mark B. Horton", is written over a horizontal line.

Mark B. Horton, M.D., M.S.P.H.
Director of Health
DEPARTMENT OF HEALTH
STATE OF NEBRASKA

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 6 day of July, 1993, a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent by certified United States mail, postage prepaid, return receipt requested, to Charles M. Pallesen, Jr., Cline, Williams, Wright, Johnson & Oldfather, Attorneys at Law, 1900 First Tier Bank Bldg., Lincoln, Nebraska 68508 and by interoffice mail to Sam Grimminger, Deputy Attorney General, 2115 State Capitol.

A handwritten signature in black ink, appearing to read "Tammy Honnor", is written over a horizontal line.

Tammy Honnor
Office of the Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF HEALTH
OF THE STATE OF NEBRASKA

STATE OF NEBRASKA, ex rel.)	
DON STENBERG, Attorney)	
General,)	
)	
Plaintiff,)	AGREED SETTLEMENT
)	
vs.)	
)	
GEORGE A. YOUNG III, M.D.,)	
)	
Defendant.)	

Plaintiff and defendant, in consideration of the mutual covenants and agreements herein contained, agree as follows:

1. That the allegations set forth in Paragraphs 1, 2, 3, 4 and 18 of the "Amended Petition for Disciplinary Action" are true and correct and are incorporated herein by reference. Defendant denies the allegations of Paragraphs 5 through 17.

2. That before disciplinary measures may be taken against defendant's license by the State of Nebraska, defendant is entitled to a hearing as provided by law and may be represented by counsel in connection therewith. The defendant does hereby specifically waive his right to such a hearing.

3. That defendant at all times relevant to this proceeding, as well as in connection with review and execution of this document, has received the advice of legal counsel. That no threats or promises have been made to defendant by the Attorney General of the State of Nebraska or member of the staff thereof or by any law enforcement officials or by any person in the Department

of Health of the State of Nebraska in order to induce him to enter into this agreed settlement.

4. a. That the plaintiff contends, as more specifically set forth in Paragraphs 5, 6, 7, 8, 9, 10, 14, 15 and 16 of the Amended Petition that defendant had an improper personal relationship with complainant one, and acted improperly to complainant two;
- b. That defendant contends that complainants one and two were patients of his, but not at times alleged by plaintiff; that he had a personal relationship with complainant one after she was no longer a patient when such relationship was not addressed by the American Psychiatric Association Principles of Medical Ethics and that his conversations and actions with complainant two were not as alleged by plaintiff;
- c. That a dispute exists as to the facts and the applicable law, and that in order to avoid trial and to bring this matter to a final conclusion, plaintiff and defendant have entered into this Agreed Settlement.

5. That defendant be reprimanded for the activity described in Paragraph 4.b. above, pay to the Department of Health a civil penalty of \$1,000.00 within six (6) months from the date of the approval hereof and be placed on probation for fifteen (15) months from the date of the approval hereof, the terms of said probation in Nebraska to be as follows:

- a. Defendant shall not have any contact or association with female patients other than for treatment purposes. Defendant furthermore shall not engage in private therapy sessions with female patients except in a clinic, hospital or office setting during his regular hours and then only while other personnel are in the immediate vicinity in adjoining room or rooms;
- b. Defendant shall abide by and follow ethical guidelines and principles outlined in current version of "Principles of Medical Ethics;" "Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry," as adopted or approved by the American Medical Association and the American Psychiatric Association, copies of

which shall be made available to defendant's patients;

- c. Defendant shall participate in an outpatient evaluation by a psychiatrist selected by the Board of Examiners with the approval of the defendant, which approval shall not be unreasonably withheld, the purpose of which shall be that of determining whether defendant needs counseling and guidance regarding relationships with female patients;
- d. In the event the evaluating psychiatrist deems counseling necessary, then defendant shall follow an outpatient program developed by said psychiatrist and shall comply with all reasonable requirements set forth therein during the period of probation including counseling; adjustments in "practice style;" practice supervision; mentoring; oversight; and followup. The physician privilege shall apply to the psychiatrist-defendant relationship, except that the psychiatrist shall report to the Board of Examiners at the conclusion of probation whether or not the physician followed said program;
- e. Defendant shall, within the first six months of the probationary period, take an appropriate continuing medical education course on physician-patient relationships. This course shall include the topic of "patient relationship ethics" and is subject to approval by the Board of Examiners in Medicine and Surgery.
- f. Defendant agrees that if requested by the Board of Examiners in Medicine and Surgery he will meet with said Board in executive session two times during said probation to report on compliance with the probation terms.

6. That this agreed settlement is subject to approval by the Director of the Department of Health of the State of Nebraska. In the event said agreement is not so approved, the same shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

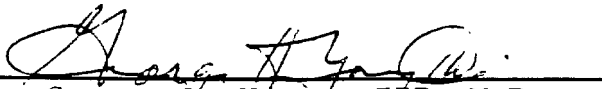
7. That noncompliance with the terms herein contained shall constitute grounds for disciplinary action against defendant's license.

8. In consideration of the covenants, agreements, and defendant's admissions in Paragraph 4.b. hereof and to the allegations set out in Paragraphs 1, 2, 3, 4 and 18 in the plaintiff's Amended Petition currently pending before the Director of the Department of Health, the Attorney General of the State of Nebraska accepts the disposition set out herein as a proper disposition of this case.

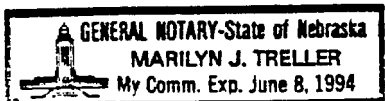
9. That the report of investigation regarding the herein alleged incidents has heretofore been reviewed by the Board of Examiners in Medicine and Surgery. That as a result of said review, said Board made certain recommendations to the Office of the Attorney General of the State of Nebraska and that said recommendations were reviewed and considered by the Attorney General's Office.

10. Costs of this action shall be taxed to the defendant.

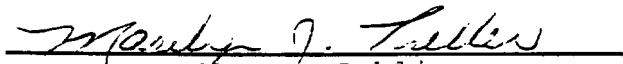
Dated this 3 day of May, 1993.


George A. Young, III, M.D.

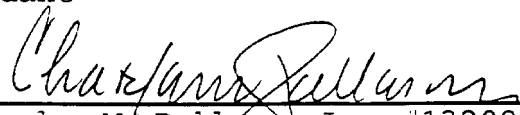
SUBSCRIBED and sworn to before me on this 3 day of ~~April~~ May, 1993.



[SEAL]

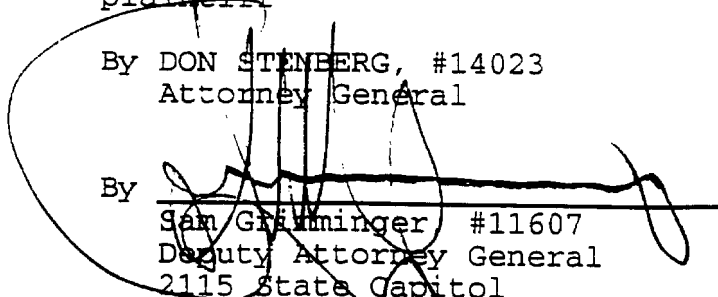

Marilyn J. Trelles
Notary Public

GEORGE A. YOUNG III, M.D.,
defendant

By 
Charles M. Palleesen Jr., #13208
1900 FirstTier Bank Building
Lincoln, NE 68508
(402) 474-6900

STATE OF NEBRASKA, ex rel. DON
STENBERG, Attorney General,
plaintiff

By DON STENBERG, #14023
Attorney General

By 
~~Sam Grimmer #11607~~
Deputy Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
(402) 471-2682

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE)	NO. 02-93-223
COMPLAINT AND STATEMENT)	
OF CHARGES AGAINST)	
GEORGE A. YOUNG, III, M.D.,)	INFORMAL SETTLEMENT
RESPONDENT.)	

COME NOW the Iowa Board of Medical Examiners [the Board] and George A. Young, III, M.D., [the Respondent] and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4), enter into the following Informal Settlement of the contested case currently on file:

1. The Respondent was issued license no. 23174 to practice medicine and surgery in Iowa on August 11, 1982, as recorded in the permanent records in the office of the Board.

2. A Complaint and Statement of Charges was filed against the Respondent on December 20, 1993.

3. The Board has jurisdiction of the parties and the subject matter.

4. The Director of Public Health shall take appropriate action to place the Respondent's license on probation, which probation shall run concurrent with the Respondent's probation in Nebraska.

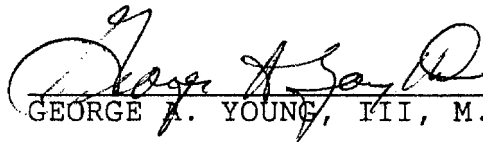
5. In the event the Respondent violates or fails to comply with any of the terms or provisions of this Informal Settlement, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline

as authorized in Iowa Code §§ 148.6, 272C.3(2) and 653 Iowa Admin. Code 12.2 et. seq.

6. Upon full compliance with the terms and conditions set forth in this Informal Settlement and upon proof of release from the terms of the Nebraska probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.


7. This Informal Settlement is subject to approval of the Board. If the Board fails to approve this Informal Settlement, it shall be of no force or effect to either party.

8. This Informal Settlement is voluntarily submitted by the Respondent to the Board for consideration.




GEORGE A. YOUNG, III, M.D.

Subscribed and sworn to before me on this 18th day of April, 1994.



NOTARY PUBLIC IN AND FOR THE
STATE OF ~~NEBRASKA~~ Iowa Exp 5-22-97

This Informal Settlement is accepted by the Iowa Board of Medical Examiners on the 16th day of June, 1994.

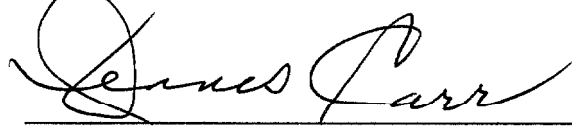


CHARLOTTE CLEAVENGER, D.O.
Chairperson
Iowa Board of Medical Examiners

Subscribed and sworn to before me on this 16TH day of

June

, 1994.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

**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
GEORGE A. YOUNG, III, MD,	*	OF CHARGES
RESPONDENT	*	02-93-223

COMES NOW Ann M. Martino, PhD, Executive Director of the Iowa State Board of Medical Examiners (hereafter the Board), on December 20, 1993 and at the direction of the Board, files this Complaint and Statement of Charges against George A. Young, III, MD (hereafter the Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. That Charlotte Cleavenger, DO, Chairperson; George G. Spellman, Sr., MD, Vice Chairperson; Laura Stensrud, Secretary; Edra Broich; James Caterine, MD; James D. Collins, Jr., MD; Eddie D. DeHaan, MD; Mary C. Hodges; Roger F. Senty, DO; and Johanna Whalen, MD, are the duly appointed and qualified officers and members of the Board.

2. That the Respondent was issued license number 23174 to practice medicine and surgery in the State of Iowa on August 11, 1982, as recorded in the permanent records in the office of the Board.

3. That the Respondent's license is current and valid until July 1, 1994.

4. That on or about December 3, 1992, a Petition for Disciplinary Action was filed with the Director of Health of the state of Nebraska (hereafter the medical licensing authority of Nebraska) seeking discipline against the Respondent's Nebraska medical license.

5. That on or about April 7, 1993, an Amended Petition for Disciplinary Action was filed with the medical licensing authority of Nebraska seeking discipline against the Respondent's Nebraska medical license.

6. That on or about June 10, 1993, an Agreed Settlement of the disciplinary actions referred to in paragraphs 4 and 5 herein, which had been entered into by the Respondent and the Nebraska Attorney General, was filed with the medical licensing authority of Nebraska.

7. That on or about July 6, 1993, pursuant to the Agreed Settlement referred to in paragraph 6 herein, an order was issued by the medical licensing authority of Nebraska imposing discipline against the Respondent's license to practice medicine and surgery in the state of Nebraska.

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

9. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of 653 I.A.C. 12.4 and 12.4(28) which state in whole or in part:

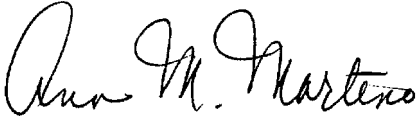
653-12.4 - "Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2, including civil penalties in an amount not to exceed \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:"

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

10. That paragraphs 8 and 9 constitute grounds for the Board to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent on August 11, 1982.

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)d of the 1993 Code of Iowa, and 653 I.A.C. 12.4 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 medicine and surgery issued to the Respondent on August 11, 1982 and for such other relief as the Board deems just in the premises.

IOWA STATE BOARD OF MEDICAL EXAMINERS

A handwritten signature in cursive script that reads "Ann M. Martino". The signature is written in black ink and is positioned above a horizontal line.

ANN M. MARTINO, PhD
Executive Director
1209 East Court Avenue
Des Moines, IA 50319
Telephone: (515) 281-5171