

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

\*\*\*\*\*

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

SPENCER K. ANNEBERG, MD, RESPONDENT

No. 02-96-197

\*\*\*\*\*

FINAL ORDER

\*\*\*\*\*

BE IT REMEMBERED:

1. That Spencer K. Anneberg, MD (the Respondent), was issued license number 18962 to practice medicine and surgery in Iowa on July 2, 1973. The license is valid and will next expire on July 1, 1998.

2. That the Iowa Board of Medical Examiners (the Board) filed a Statement of Charges against the Respondent on January 23, 1997. A hearing was held on the Statement of Charges before a five member panel of the Board on March 5, 1997.

3. That a Findings of Fact, Conclusions of Law, Decision and Order of the Panel (Proposed Decision) was issued on April 9, 1997. On or about April 9, 1997, a copy of the Proposed Decision was hand delivered to counsel for the State of Iowa, Theresa O'Connell Weeg, Esq., Assistant Attorney General. The Proposed Decision was accepted without further review by the Board on April 10, 1997.

4. That on April 15, 1997, a true copy of the Proposed Decision was served upon the Respondent via Certified Mail.

5. That pursuant to 653 IAC 12.50(29), thirty (30) days having passed and no appeal of the Proposed Decision having been filed by the Respondent or any other party to the proceeding the Proposed Decision has become a final decision of the Board.

6. That pursuant to pertinent provisions of sections 148.6 and 148.7 of the 1997 Code of Iowa the undersigned, acting on the behalf of the Board, is authorized to enter an Order herein.

**THEREFORE IT IS HEREBY ORDERED** that the Proposed Decision, a copy of which is attached as Exhibit A, is a **FINAL DECISION** of the Board and the Decision and Order outlined therein is a **FINAL ORDER OF THE BOARD**.

Theresa Mock MD 5/22/97  
Chairperson Date  
Iowa Board of Medical Examiners  
1209 East Court Avenue  
Des Moines, IA 50319-0180  
Phone 515-281-5171

c: Theresa O'Connell Weeg, Esq., Assistant Attorney General  
Spencer K. Anneberg, MD, Respondent  
Presiding Administrative Law Judge

DMC/\* 05-15-97

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

---

IN THE MATTER OF THE	) DIA NO. 97DPHMB-6
COMPLAINT AND STATEMENT	) CASE NO. 02-96-197
OF CHARGES AGAINST	)
	)
SPENCER K. ANNEBERG, M.D.	) FINDINGS OF FACT,
	) CONCLUSIONS OF LAW,
Respondent	) DECISION AND ORDER
	) OF THE PANEL

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TO: SPENCER K. ANNEBERG, M.D.

On January 23, 1997, the Executive Director of the Iowa Board of Medical Examiners (Board) filed a Statement of Charges against Spencer K. Anneberg, M.D., (Respondent) alleging disciplinary action had been imposed against the Respondent's license to practice medicine and surgery in the state of Colorado. 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), and 653 IAC 12.4 (28).

An Original Notice and Order for Hearing were issued setting the hearing for March 5, 1997. 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 Statement of Charges, the Original Notice, the Order for Hearing, the proof of service, the Order changing the time and location of the hearing, the testimony of the witness, and the following exhibits:

- State Exhibit A: Complaint, dated 3/22/96
- State Exhibit B: Investigative Report, dated 9/12/96
- State Exhibit C: Board Action Request Form, 8/1/96
- C-1: Stipulation for Interim Cessation of Practice

C-2: Formal Complaint of Attorney General, Notice to Set Informal Prehearing Conference, Notice of Hearing, And Notice of Duty to Answer

C-3: Order of Summary Suspension

State Exhibit D: Letter, dated 12/23/96 (Norwood to Brown); Final Board Order; Initial Decision of the ALJ.

State Exhibit E: Letter, dated 7/24/96 (Brown to Respondent)

State Exhibit F: Letter, dated 8/9/96 (Respondent to Brown)

State Exhibit G: Letter, dated 2/6/97 (Respondent to Martino)

#### FINDINGS OF FACT

1. The Respondent was issued license number 18962 to practice medicine and surgery in the State of Iowa on July 2, 1973, as recorded in the permanent records in the office of the Board. The Respondent's license is valid and will next expire on July 1, 1998. (Board licensing file)
2. On or about November 9, 1995, the Respondent entered into an agreement with the Colorado State Board of Medical Examiners (Colorado Board) entitled a Stipulation for Interim Cessation of Practice. (Testimony of Doug Brown; State Exhibit C-1)
3. On March 15, 1996, the Colorado Board summarily suspended the Respondent's Colorado medical license. The summary suspension required that the Respondent cease, desist, and refrain from any act which required a license to practice medicine in Colorado. (Testimony of Doug Brown; State Exhibit C-3)
4. A hearing was held on July 15 and 16, 1996, before an administrative law judge (ALJ). The ALJ issued an Initial Decision on September 17, 1996. (Testimony of Doug Brown; State Exhibit D)
5. On December 19, 1996, the Colorado Board adopted the Initial Decision of the ALJ and revoked the Respondent's Colorado medical license. The Board concluded that the Respondent had engaged in unprofessional conduct, in relation to three patients, when he committed two or more acts which failed to meet generally accepted standards of medical practice. (Testimony of Doug Brown; State Exhibit D)

6. In support of the decision to revoke, the ALJ stated that it was clear that the Respondent's continued practice of psychiatry would be inconsistent with the health and safety of his patients. The ALJ noted the very serious nature of the Respondent's deviations from generally accepted standards of practice, the breadth of the issues raised by his conduct, and the harm he inflicted on the very patients he was professionally dedicated to serve. (Testimony of Doug Brown; State Exhibit D)

7. In response to an inquiry from the Iowa Board, the Respondent sent copies of his written responses to the Colorado Board concerning the three complaints filed against him in Colorado. (Testimony of Doug Brown; State Exhibit F)

8. The Statement of Charges, Original Notice, and Order for Hearing were served on the Respondent by restricted certified mail, return receipt requested, on January 30, 1997. The order changing the time of the hearing was served upon the Respondent by express mail on February 21, 1997. (Board Licensing File)

#### 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) (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.  
...

3. 653 IAC 12.4(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 Colorado revoked the Respondent's license to practice medicine and surgery on December 19, 1996. The Respondent has violated Iowa Code section 148.6(2)(d)(1995) and 653 IAC 12.4(28).

The certified documents provided by the state of Colorado establish that they determined, following the opportunity for a full evidentiary hearing, that revocation was the only sanction which would adequately protect the health and safety of the Respondent's patients. Upon review of the record before it, the panel is convinced that a similar sanction is required to protect the public in Iowa.

#### ORDER

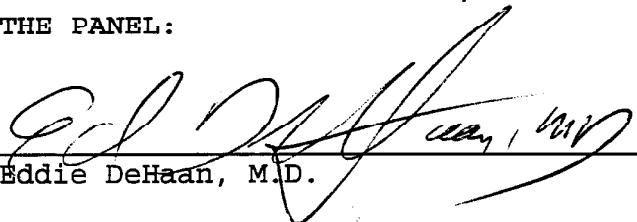
IT IS THEREFORE ORDERED, that if this Proposed Decision of the panel becomes a final decision, the medical license of Spencer K. Anneberg, M.D., license number 18962, shall be REVOKED.

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

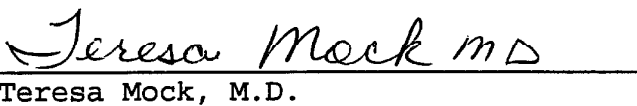
executive director and reimbursable pursuant to subrule 12.51(3). All fees and costs shall be paid in the form of a check or money order payable to the state of Iowa and delivered to the department of public health, within thirty days of the issuance of a final decision.

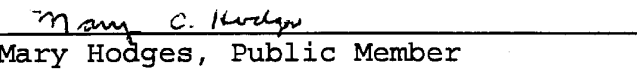
Dated this 9th day of April, 1997.

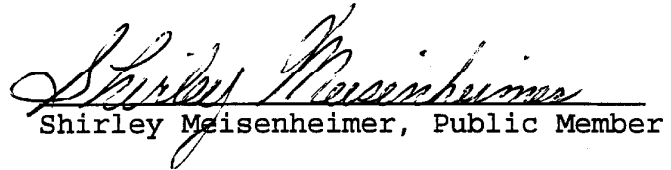
THE PANEL:

  
Eddie DeHaan, M.D.

  
Allen Zagoren, D.O.

  
Teresa Mock, M.D.

 *received 3-24-97*  
Mary Hodges, Public Member

  
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

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IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES AGAINST  SPENCER K. ANNEBERG, M.D.  Respondent	) DIA NO. 97DPHMB-6 ) CASE NO. 02-96-197 ) ) ) FINDINGS OF FACT, ) CONCLUSIONS OF LAW, ) DECISION AND ORDER ) OF THE PANEL
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TO: SPENCER K. ANNEBERG, M.D.

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An Original Notice and Order for Hearing were issued setting the hearing for March 5, 1997. 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.

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#### FINDINGS OF FACT

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2. On or about November 9, 1995, the Respondent entered into an agreement with the Colorado State Board of Medical Examiners (Colorado Board) entitled a Stipulation for Interim Cessation of Practice. (Testimony of Doug Brown; State Exhibit C-1)
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6. In support of the decision to revoke, the ALJ stated that it was clear that the Respondent's continued practice of psychiatry would be inconsistent with the health and safety of his patients. The ALJ noted the very serious nature of the Respondent's deviations from generally accepted standards of practice, the breadth of the issues raised by his conduct, and the harm he inflicted on the very patients he was professionally dedicated to serve. (Testimony of Doug Brown; State Exhibit D)

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#### 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.

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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) (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:

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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.

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3. 653 IAC 12.4(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:

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(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 Colorado revoked the Respondent's license to practice medicine and surgery on December 19, 1996. The Respondent has violated Iowa Code section 148.6(2)(d)(1995) and 653 IAC 12.4(28).

The certified documents provided by the state of Colorado establish that they determined, following the opportunity for a full evidentiary hearing, that revocation was the only sanction which would adequately protect the health and safety of the Respondent's patients. Upon review of the record before it, the panel is convinced that a similar sanction is required to protect the public in Iowa.

#### ORDER

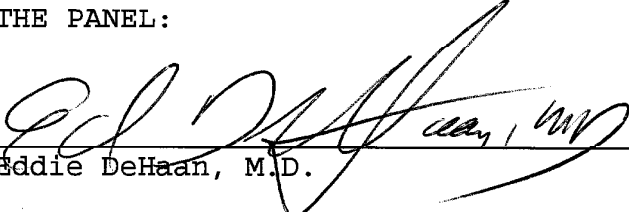
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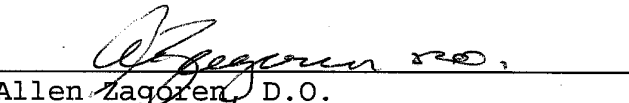
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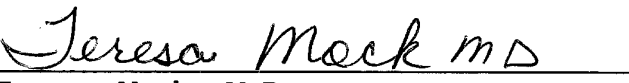
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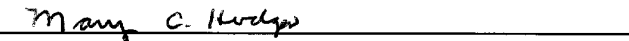
Dated this 9th day of April, 1997.

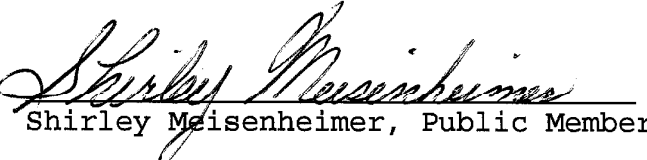
THE PANEL:

  
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Teresa Mock, M.D.

 *received 3-24-97*  
Mary Hodges, Public Member

  
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

SPENCER K. ANNEBERG, MD

No. 02-96-197

\*\*\*\*\*

STATEMENT OF CHARGES

\*\*\*\*\*

COMES NOW Ann M. Martino, PhD, Executive Director of the Iowa Board of Medical Examiners (the Board), on January 23, 1997, and at the direction of the Board, files this Statement of Charges against Spencer K. Anneberg, MD (the Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

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

2. That the Respondent was issued license number 18962 to practice medicine and surgery in Iowa on July 2, 1973. The Respondent's license is valid and will next expire on July 1, 1998.

3. That on or about November 9, 1995 the Respondent entered into an agreement with the Colorado State Board of Medical Examiners (Colorado Board) entitled a Stipulation for Interim Cessation of Practice.

4. That on or about March 15, 1996, the Colorado Board summarily suspended the Respondent's Colorado medical license. The summary suspension

required that the Respondent cease, desist, and refrain from any act which required a license to practice medicine in Colorado.

5. That on or about December 19, 1996, the Colorado Board revoked the Respondent's Colorado medical license.

6. That the Respondent has been the subject of a license revocation by the medical licensing authority of another state.

7. 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 1995 Code of Iowa, and 653 IAC 12.4 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 medicine and surgery ... revoked ... by a licensing authority of another state ...**

**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.**

**WHEREFORE** the undersigned charges that the Respondent is subject to disciplinary action pursuant to the provisions of the statutes and Iowa

STATEMENT OF CHARGES  
Spencer K. Anneberg, MD  
No. 02-96-197

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 Respondent's Iowa medical license and for such other relief as the Board deems just in the premises.

**IOWA BOARD OF MEDICAL EXAMINERS**



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Ann M. Martino, PhD, Executive Director  
1209 East Court Avenue  
Des Moines, IA 50319-0180  
Telephone: (515) 281-5171

DRB/DMC/\* 01-20-97

a12/Anneberg.SC