

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

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IN THE MATTER OF THE :  
APPLICATION FOR REINSTATEMENT :  
OF LICENSE BY : COMMISSIONER'S ORDER  
HECTOR W. CAVALLIN, M.D., :  
RESPONDENT. :

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NOW on the 21st day of December, 1982, the Findings of Fact, Conclusions of Law, and Decision in the above entitled matter having been filed with the undersigned on the 21st day of December, 1982, and the undersigned having been fully advised on the premises FINDS:

That the Board of Medical Examiners held a hearing in the above entitled matter on December 9, 1982. The hearing was held before the full Board and a decision was reached to restore the Respondent's license to practice medicine and surgery to a probationary status.

IT IS THEREFORE HEREBY ORDERED that the license to practice medicine and surgery issued to the Respondent, Hector W. Cavallin, M.D., on the 2nd day of July, 1964, as evidenced by Certificate 16949, as recorded in Book 3 at Page 633 of the records of the Iowa State Board of Medical Examiners, remains revoked, the order of revocation is stayed for a period of five years under the following terms and conditions:

1. The Respondent's license shall be in a probationary status for a term of five years from the date of the Commissioner's Order.
2. The Respondent shall make annual appearances before the Board of Medical Examiners at the time and place selected by the Board.
3. The Respondent shall submit quarterly reports to the Board stating that he has complied with all laws and regulations concerned with the practice of medicine. These quarterly reports shall be sworn to before a notary public.
4. The Respondent shall make arrangement for psychiatric counselling and shall arrange for the counselor or psychiatrist to forward reports to the Board of Medical Examiners on a quarterly basis.
5. The Respondent shall allow and will assist an agent of the Board in the monitoring of his practice at any time the Board deems necessary.

6. The Respondent shall obey all Federal, State and local laws, and all rules governing the practice of medicine and surgery.

7. The Respondent shall demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa.

That upon full compliance with the terms and conditions set forth herein and upon expiration of the five year probationary term, the Respondent's license to practice medicine and surgery shall be restored to its full privileges free and clear of all restrictions, provided however, that in the event Respondent violates or fails to comply with any of the terms and conditions of the Commissioner's Order, upon receipt of satisfactory evidence thereof, the Board may immediately suspend the Respondent's license to practice medicine and surgery and after giving the Respondent an appointment to be heard, may forthwith terminate the Respondent's probationary status and issue an order revoking the Respondent's license to practice medicine and surgery.



Norman L. Pawlewski  
Norman L. Pawlewski  
Commissioner of Public Health  
Lucas State Office Building  
Des Moines, Iowa 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

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IN THE MATTER OF THE :  
 APPLICATION FOR REINSTATEMENT :  
 OF LICENSE BY : FINDINGS OF FACT, CONCLUSIONS  
 HECTOR W. CAVALLIN, M.D., : OF LAW AND DECISION  
 RESPONDENT. :

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The above entitled matter came on for hearing before the Iowa Board of Medical Examiners on December 9, 1982, in the conference room of the Iowa Medical Society, 1001 Grand Avenue, West Des Moines, Iowa.

The hearing was held pursuant to the application for reinstatement of license filed with the Board of Medical Examiners by Hector W. Cavallin on October 14, 1982, and the authority of sections 17A.11 through 17A.19 of the Iowa Code. The hearing concerned an action taken by the Iowa Board of Medical Examiners which resulted in the revocation of the Iowa license to practice medicine and surgery which has previously been issued to Hector W. Cavallin, M.D.

The State of Iowa was represented by Julie F. Pottorff, Assistant Attorney General. Hector W. Cavallin was represented by Ronald L. Sutphin, Attorney at Law.

FINDINGS OF FACT

1. Hector W. Cavallin was issued Iowa license number 16949, to practice medicine and surgery on July 2, 1964.
2. That on October 1, 1981, the Iowa Board of Medical Examiners held a hearing concerning a Complaint and Statement of Charges which was filed against Hector W. Cavallin, M.D.
3. That on October 9, 1981, the Commissioner of Public Health issued an Order revoking Hector W. Cavallin's Iowa license to practice medicine and surgery.
4. That on October 14, 1982, Hector W. Cavallin, M.D., filed an application for reinstatement of his Iowa license.
5. That Hector W. Cavallin has received regular psychiatric counseling from the time his license was revoked, and his psychiatrist believes the Respondent to be capable of practicing psychiatry without danger to his patients.

CONCLUSIONS OF LAW

1. Section 148.9 states:

"Reinstatement. Any person whose license has been suspended, revoked or placed on probation may apply to the board of medical examiners for reinstatement at any time and the board may hold hearings on any such petition and may order reinstatement and impose terms and conditions thereof and issue a certificate of reinstatement to the commissioner of public health who shall thereupon issue a license as directed by the board."

Hector W. Cavallin did make proper application for reinstatement of his license and a hearing was held concerning his application.

DECISION

It is the decision of the Iowa Board of Medical Examiners that the license to practice medicine and surgery issued to Hector W. Cavallin on July 2, 1964, and which was revoked on October 9, 1981, shall be reinstated under the following terms and conditions:

1. The Respondent's license shall be in a probationary status for a term of five years from the date of the Commissioner's Order.
2. The Respondent shall make annual appearances before the Board of Medical Examiners at the time and place selected by the Board.
3. The Respondent shall submit quarterly reports to the Board stating that he has complied with all laws and regulations concerned with the practice of medicine. These quarterly reports shall be sworn to before a notary public.
4. The Respondent shall make arrangement for psychiatric counselling and shall arrange for the counselor or psychiatrist to forward reports to the Board of Medical Examiners on a quarterly basis.
5. The Respondent shall allow and will assist an agent of the Board in the monitoring of his practice at any time the Board deems necessary.
6. The Respondent shall obey all Federal, State and local laws, and all rules governing the practice of medicine and surgery.
7. The Respondent shall demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa.

That upon full compliance with the terms and conditions set forth herein and upon expiration of the five year probationary term, the Respondent's license to practice medicine and surgery shall be restored to its full privileges free and clear of all restrictions, provided however, that in the event Respondent violates or fails to comply with any of the terms and conditions of the Commissioner's Order, upon receipt of satisfactory evidence thereof, the Board may immediately suspend the Respondent's license to practice medicine and surgery and after giving the Respondent an appointment to be heard, may forthwith terminate the Respondent's probationary status and issue an order revoking the Respondent's license to practice medicine and surgery.

Dated this 14<sup>th</sup> day of December, 1982.

Alexander Ervanian, M.D.  
Alexander Ervanian, M.D., Chairman  
For and on Behalf of the Board

cc: Board of Medical Examiners  
Hector W. Cavallin, M.D., Respondent  
Donald L. Sutphin, Attorney for  
Respondent  
Julie F. Pottorff, Assistant Attorney  
General

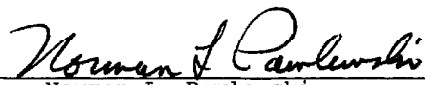
BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\*\*\*\*\*  
IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST :  
HECTOR W. CAVALLIN, M.D., : O R D E R  
RESPONDENT. :  
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NOW on the 9th day of October, 1981, the above entitled matter having been filed with the Commissioner of Public Health on the 9th day of October, 1981, and the undersigned Commissioner of Public Health, having reviewed the Findings of Fact, Conclusions of Law, and Decision rendered by the Iowa Board of Medical Examiners, and being fully advised in the premises FINDS:

1. That a hearing in the above matter was held on October 1, 1981, and that the Iowa Board of Medical Examiners decided the matter on October 8, 1981.

THEREFORE, IT IS HEREBY ORDERED that the license to practice medicine and surgery which was issued to Hector W. Cavallin, M.D. on the 2nd day of July, 1964, as evidenced by Certificate No. 16949 as recorded on page 633 of Book 3 of the records of the Iowa State Department of Health, is hereby revoked.

  
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Norman L. Pawlewski  
Commissioner of Public Health  
Lucas State Office Building  
Des Moines, Iowa 50319

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  
HECTOR W. CAVALLIN, M.D., : OF CHARGES  
RESPONDENT. :  
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COMES NOW Ronald V. Saf, Executive Director of the Iowa State Board of Medical on this 9th day of July, 1981, and files this Complaint and Statement of Charges against Hector W. Cavallin, M.D., a physician licensed pursuant to Chapter 147, Code of Iowa, and alleges:

1. That Norman L. Pawlewski is the duly appointed, qualified and acting Commissioner of Public Health of the State of Iowa.

2. That Alexander Ervanian, M.D., Chairman, Joseph A. McCaffrey, Ph.D., Vice-Chairman, Rosalie B. Neligh, M.D., Secretary, Joseph B. Baker, D.O., Jack L. Dodd, M.D., John Lee Garred, M.D., Reid E. Motley, M.D. and Kathryn E. Gammack, are the duly appointed, qualified and acting officers and members of the Iowa State Board of Medical Examiners.

3. That the respondent, Hector W. Cavallin, M.D., is a resident of Des Moines, Iowa, and was issued a license to practice medicine and surgery in the State of Iowa on the 2nd day of July, 1964, as evidenced by Certificate No. 16949 and said license is recorded in Book 3 at page 633 of the records of the Iowa State Department of Health.

4. That the respondent's license is current until July 1, 1982.

5. That on September 11, 1980, the respondent while treating a female patient, propositioned that female patient by offering the sum of one hundred dollars to the patient in exchange for sexual intercourse.

6. That on September 11, 1980, the respondent met with the female patient at the Howard Johnson Motel on Ingersoll Avenue in Des Moines, Iowa, and did pay the female patient one hundred and twenty-five dollars for the express purpose of having sexual intercourse with the female patient.

7. That on September 11, 1980, the respondent was arrested and charged with a violation of Section 725.1 of the Code of Iowa in that he "purchased" or "offered to purchase" services of the female patient as a partner in a sex act.

8. That on April 8, 1981, the respondent was found guilty to a reduced charge of a violation of Des Moines City Ordinance Section 17-44 and was fined one hundred dollars.

9. That in November of 1977, an allegation was filed against the respondent in the State of Kansas alleging sexual misconduct between the respondent and a patient.

10. That the respondent is guilty of a violation of Section 147.55(3) of the Code which states:

147.55(3) knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

11. That the respondent is guilty of a violation of Section 148.6(c) and 148.6(g) of the Code which state:

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

148.6(g) Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery, osteopathic medicine and surgery or osteopathy in which



proceeding actual injury to a patient need not be established; or the committing by a physician of an act contrary to honesty, justice, or good morals, whether the same is committed in the course of his practice or otherwise, and whether committed within or without this state.

12. That the respondent is guilty of a violation of Rule 470-135.204(12) of the Iowa Administrative Code which states:

Rule 470-135.204(12) Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery, osteopathic medicine and surgery or osteopathy in which proceeding actual injury to a patient need not be established; or the committing by a physician of an act contrary to honesty, justice or good morals, whether the same is committed in the course of his/her practice or otherwise, and whether committed within or without this state.

13. That the respondent is guilty of a violation of Rule 470-135.204(17) which states:

470-135.204(17) Making suggestive, lewd, lascivious or improper remarks or advances to a patient.

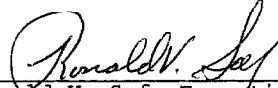
14. That Paragraphs 10, 11, 12 and 13, constitute grounds for which the license issued to the respondent, Dr. Hector W. Cavallin, M.D., on the 2nd day of July, 1964, as evidenced by Certificate No. 16949 which is recorded in Book 3 at page 633 of the Iowa State Department of Health, may be suspended or revoked.

WHEREFORE, the undersigned charges that Hector W. Cavallin, M.D., has violated sections 147.55(3), 148.6(c) and 148.6(g) of the Code and Rules 470-135.204(12) and 470-135.204(17) of the Administrative Code, and the undersigned prays that the Board enter an order fixing a time and place of hearing on the Complaint and Statement of Charges.

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The undersigned further prays that upon final hearing the Board enter its Findings of Fact and Decision to suspend or revoke the license to practice medicine and surgery issued to Hector W. Cavallin, M.D., on the 2nd day of July, 1964, and for such other and further relief as the Board deems just in the premises.

STATE OF IOWA



Ronald V. Saf, Executive Director  
Iowa Board of Medical Examiners  
State Capitol Complex  
Executive Hills West  
Des Moines, Iowa 50319