

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT : PROPOSED FINDINGS OF FACT,
AND STATEMENT OF CHARGES AGAINST : CONCLUSIONS OF LAW,
PHILIP R. HASTINGS, M.D., : AND ORDER
RESPONDENT. :

The above entitled matter came on for hearing before the Board of Medical Examiners on March 30, 1983, in the conference room of the Iowa Medical Society, West Des Moines, Iowa. The hearing was held pursuant to a Complaint and Statement of Charges and Order for Hearing.

Julie Pottorff, Assistant Attorney General, presented the evidence for the State of Iowa. Hugh M. Field represented Philip R. Hastings, M.D., who was present.

The Board of Medical Examiners, having considered the testimony and exhibits, makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. The Respondent, Philip R. Hastings, M.D., is presently licensed to practice medicine and surgery in the State of Iowa and that he is practicing in the specialty of psychiatry.

2. The Board of Medical Examiners adopted subrule 135.204(18) of the Iowa Administrative Code, which became effective December 3, 1980, establishing as grounds for disciplinary action the prescribing for the treatment of obesity any stimulant anorectic agent classified as Schedule II.

3. On March 24, 1981, the Board of Pharmacy Examiners notified the Board of Medical Examiners that the Respondent may be violating the rule on the anorectic agents classified as Schedule II mentioned above. The memorandum further stated that the Respondent seemed to be prescribing these drugs for an increasing number of patients who were diagnosed as narcoleptics.

4. An investigation was conducted by investigators for the Board of Medical Examiners. A list of 30 patients of the Respondent, who had been issued prescriptions which indicated a diagnosis of narcolepsy on the prescriptions, was developed. The medical records of these patients plus one additional patient were subpoenaed from the office of the Respondent.

5. On 30 of the 31 medical records, a diagnosis of narcolepsy was made by the Respondent. Prior to December 3, 1980, there was no diagnosis of narcolepsy made by the Respondent for the same patients.

6. The Respondent testified at the hearing that he made the diagnosis of narcolepsy to be able to continue to prescribe Schedule II stimulants in his psychiatric practice.

7. The Respondent had a misunderstanding of the rule and believed that it was necessary to diagnose narcolepsy in order to continue to prescribe Schedule II stimulants.

8. Dr. Richard E. Neiman, M.D., who is a Neurologist, testified that there was no documentation in any of the charts to make a diagnosis of narcolepsy. Dr. Neiman testified that he would not have made a diagnosis of narcolepsy in any of the patients. He has seen only 25 to 30 patients with narcolepsy over a period of 10 years of medical practice. An electroencephalograph is required to confirm the diagnosis of narcolepsy. The Respondent made no referrals of the patients and failed to have the diagnosis confirmed.

9. Dr. Vernon Varner, M.D., J.D., who is a Psychiatrist, examined the 31 patient files. All of the patient files except one had a diagnosis of narcolepsy. None of the patients had a diagnosis of narcolepsy prior to December 3, 1980. The records do not meet the criteria for a diagnosis of narcolepsy. In 10 years of psychiatric practice, Dr. Varner has only seen two cases of narcolepsy.

10. Female patient number 31 testified that she requested and received Dexedrine for weight loss from an associate of Dr. Hastings. After January 1981, the associate said because of a law change, it was necessary to make her diagnosis narcolepsy.

11. Dr. Richard Finn, M.D., a Psychiatrist and Professor of Psychiatry at the University of Iowa College of Medicine, testified that he reviewed the records and did not find evidence of indiscriminate prescribing of drugs. He stated that the diagnosis of narcolepsy by the Respondent started only after December 1980. In his practice at University Hospitals, he has not seen a recent case of narcolepsy.

12. Dr. Paul Huston, M.D., who is a Psychiatrist and former Director of the Psychiatric Hospital at the University Hospitals and a current Professor emeritus reviewed 20 of the charts. He stated that he was puzzled why the diagnosis of narcolepsy started suddenly in the files. Dr. Huston stated that he has never diagnosed a narcoleptic. Dr. Huston stated that the treatment method of the Respondent did not indicate a lack of skill.

13. Dr. R.M. Junoid, M.D., is a Psychiatrist who practices in association with the Respondent. He stated that the Respondent carries the most difficult patients in the group practice. He stated that the Respondent was trained at a time when Schedule II stimulants were used as anti-depressants.

14. The evidence is conclusive that the Respondent made a diagnosis of narcolepsy in order to continue to prescribe Schedule II stimulant drugs after a rule change. The evidence is also conclusive that the patients diagnosed by the Respondent as having narcolepsy did not have narcolepsy.

15. The Respondent did not indiscriminately or promiscuously prescribe drugs for other than lawful purpose.

CONCLUSIONS OF LAW

1. Section 148.6(a) of the Iowa Code provides as grounds for disciplinary action, "Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his profession."

2. The Board has adopted subrule 470-135.204(3), Iowa Administrative Code, which provides that the Board may impose disciplinary sanctions "including civil penalties in an amount not to exceed \$1000,00 when the Board determines that the licensee is guilty of any of the following acts or offenses which includes: "Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession..." methods of discipline are found in Rule 470-135.202, Iowa Administrative Code.

3. The evidence is conclusive that the Respondent made an untrue representation that 30 of his patients had narcolepsy in order to continue prescribing Schedule II stimulants for the patients.

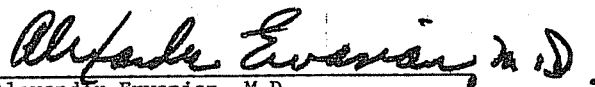
ORDER

1. Because of violation of Rule 470-135.204(3) , Iowa Administrative Code, the Respondent is ordered to pay a civil penalty in the amount of \$1,000.00 within 30 days of the receipt of this Order of the Respondent by check or money order payable to the Treasurer of the State of Iowa and delivered to Ronald V. Saf, Executive Director, Iowa State Board of Medical Examiners.

2. Because of violation of Rule 470-135.204(3), the license of the Respondent to practice medicine and surgery is placed on probation for a period of one year starting May 1, 1983. The probation will end April 30, 1984. As a condition to the probation, the Respondent shall submit at quarterly intervals the patient initials and case summary including diagnosis of all patients of the Respondent who are receiving any stimulant anorectic agent classified as Schedule II and as defined in Rule 470-135.204(18). The reports shall be sent to Ronald V. Saf not later than August 1, 1983, November 1, 1983, February 1, 1984 and May 1, 1984.

Dated this 18th day of April, 1983.

IOWA STATE BOARD OF MEDICAL EXAMINERS


Alexander Ervanian, M.D.
Chairperson, for and on
behalf of the Board

Copies to:
Philip R. Hastings, M.D.
Julie F. Pottorff, Assistant Attorney General
Hugh M. Field, Attorney at Law

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : ORIGINAL NOTICE
PHILIP R. HASTINGS, M.D., :
RESPONDENT. :

TO THE ABOVE NAMED RESPONDENT: PHILIP R. HASTINGS, M.D.

Pursuant to the authority granted to the Iowa Board of Medical Examiners under sections 17A.11 through 17A.18, 147.55, 148.6, 148.7, 258A.5, and 258A.6, of the 1979 Code of Iowa, and Rules 470-135.301(1) through 470-135.301(34) of the Iowa Administrative Code, you are hereby notified that the Complaint and Statement of Charges filed against you by Ronald V. Saf, Executive Director, Iowa Board of Medical Examiners, is now on file in the office of the Board of Medical Examiners, State Capitol Complex, Executive Hills West, Des Moines, Iowa 50319. The said Complaint and Statement of Charges prays for the revocation or suspension of your license to practice medicine and surgery, which was issued to you on the 21st day of July, 1959, for all of the reasons set out in said Complaint and Statement of Charges. For further particulars and for specific rules involved, see a copy of the Complaint and Statement of Charges which is hereby attached and by this reference made a part hereof.

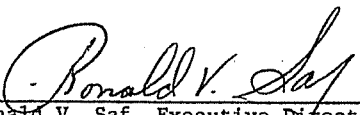
You are also hereby notified that said Complaint and Statement of Charges will be fully heard and considered by the Board at 9 o'clock AM, CST on the 10th day of FEBRUARY, 1983, in the small conference room, Iowa Medical Society, 1001 Grand Avenue, West Des Moines, Iowa 50265, at which time you may appear and show cause, if any, for not granting the relief prayed for in said Complaint and Statement of Charges. If you fail to so appear and defend, the hearing will proceed and a decision will be made.

You are also hereby notified that you may appear personally and be represented by counsel at your own expense, with the right to produce evidence in your behalf, to examine and cross-examine witnesses and to examine documentary evidence produced against you.

You are also hereby notified that within ten days of receipt of Original Notice you must acknowledge receipt of this Notice of Hearing, state whether you will be present at the hearing, state whether you will require an adjustment of the date and time of the hearing, and furnish the Board with a list of witnesses you wish to have subpoenaed in compliance with Rule 135.301(13) of the Iowa Administrative Code.

You are also hereby notified that within twenty days of receipt of this Original Notice, you must file with the Board an answer of the type specified in Rule 135.301(14) of the Iowa Administrative Code.

BY:



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