

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 : FINDINGS OF FACT, CONCLUSIONS  
GILBERT HORN, M.D., : OF LAW AND DECISION  
RESPONDENT. :

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The above entitled matter came on for hearing before the Board of Medical Examiners on November 4, 1982, in the conference room of the Iowa Medical Society, 1001 Grand Avenue, West Des Moines, Iowa.

The hearing was held pursuant to a Complaint and Statement of Charges filed by the Executive Director of the Iowa State Board of Medical Examiners on the 9th day of September, 1982, and the authority of sections 17A.11 through 17A.19 of the Iowa Code. The hearing concerned an action taken against the Respondent's license to practice medicine and surgery by the State of Colorado and the Respondent's failure to report that action to the Iowa Board.

The State of Iowa was represented by Julie F. Pottorff, Assistant Attorney General. The Respondent failed to appear at the hearing. In accordance with Rule 470-135.301(20) of the Iowa Administrative Code, the hearing was conducted in the absence of the Respondent.

FINDINGS OF FACT

1. Gilbert O. Horn, M.D., was issued Iowa license number 16457, to practice medicine and surgery, on March 29, 1962. (Exhibit A)
2. Adequate notice of the hearing was given the Respondent by certified mail on September 14, 1982.
3. That on July 9, 1981, the Colorado State Board of Medical Examiners revoked the Respondent's license to practice medicine and surgery in the State of Colorado. (Exhibit B)
4. The Respondent did not report the Colorado action to the Iowa Board of Medical Examiners.

CONCLUSIONS OF LAW

1. Section 148.6(d) states as a ground for revocation:

"Having his 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 conclusive or prima facie evidence."

The evidence is clear that the State of Colorado did revoke the Respondent's license to practice medicine and surgery on July 9, 1981.

2. Rule 470-135.204(10) of the Iowa Administrative Code states as a ground for discipline:

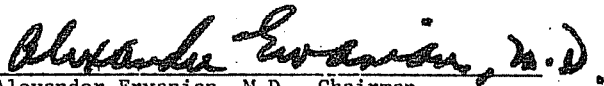
"Failure to report a license revocation, suspension or other disciplinary action taken by a licensing authority of another state, territory or country."

The evidence is clear that the Respondent did not report the Colorado actions against his license to the Iowa Board of Medical Examiners.

DECISION

It is the decision of the Board of Medical Examiners that the license to practice medicine and surgery which was issued to the Respondent, Gilbert Horn, on March 29, 1962, and which is recorded in Book 3 at Page 687 of the records of the Iowa Board of Medical Examiners, be revoked.

Dated this 19<sup>th</sup> day of Nov., 1982

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

cc: Board of Medical Examiners  
Gilbert Horn, M.D., Respondent  
Julie Pottorff, Assistant Attorney  
General

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 : ORIGINAL NOTICE  
GILBERT O. HORN, M.D., :  
RESPONDENT. :

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TO THE ABOVE NAMED RESPONDENT: GILBERT O. HORN, 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 9th day of May, 1962, 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 11 o'clock A.M., CST on the 4<sup>th</sup> day of November, 1982, 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.

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 : COMPLAINT AND STATEMENT  
GILBERT O. HORN, M.D., : OF CHARGES  
RESPONDENT.

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COMES NOW Ronald V. Saf, Executive Director of the Iowa State Board of Medical Examiners on the 9<sup>th</sup> day of September, 1982, and files this Complaint and Statement of Charges against Gilbert O. Horn, 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, Rosalie B. Neligh, M.D., Vice-Chairman, Kathryn E. Gammack, Secretary, Alyce M. Fanslow, Ph.D., Joseph B. Baker, D.O., Richard L. Carruthers, D.O., Jack L. Dodd, M.D., John L. Garred, M.D., Reid E. Motley, M.D., are the duly appointed, qualified and acting officers and members of the Iowa State Board of Medical Examiners.
3. That the Respondent, Gilbert O. Horn, M.D., is a resident of Colorado Springs, Colorado and was issued a license to practice medicine and surgery in the state of Iowa on May 9, 1962 as evidenced by Certificate No. 16457 and said license is recorded in Book 3 at Page 687 of the records of the Iowa State Department of Health.
4. That the Respondent's license is current through June 30, 1983.
5. That on September 23, 1980, the Colorado Board of Medical Examiners summarily suspended the medical license of the Respondent.
6. That on October 27, 1980, the Attorney General of the State of Colorado filed a Formal Complaint against the Respondent.
7. That on May 15, 1981, the Colorado Board of Medical Examiners held a formal hearing into the allegations against the Respondent.
8. That on July 9, 1981, the Colorado Board of Medical Examiners found that the Respondent had committed serious, repeated, and life threatening acts of unprofessional conduct and ordered that the Respondent's Colorado license to practice medicine and surgery be revoked.

9. That the Respondent has not notified the Iowa Board of Medical Examiners of the actions taken against his Colorado license to practice medicine and surgery.

10. That the Respondent is guilty of a violation of Section 148.6(d) of the Code of Iowa which states:

148.6(d) Having his 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 conclusive or prima facie evidence.

11. That the Respondent is guilty of a violation of Rule 470-135.204 (10) of the Iowa Administrative Code which states:

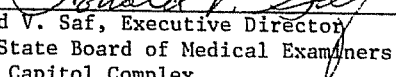
470-135.204(10) Failure to report a license revocation, suspension or other disciplinary action taken by a licensing authority of another state, territory or country.

12. That paragraphs 10 and 11 constitute grounds for which the Respondent's license to practice medicine and surgery may be suspended or revoked.

WHEREFORE, the undersigned charges that Gilbert O. Horn, M.D., has violated section 148.6(d) of the Code of Iowa and Rule 470-135.204(10) of the Iowa Administrative Code, and the undersigned prays that the Board enter an order fixing a time and place of hearing on this Complaint and Statement of Charges.

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 Gilbert O. Horn, M.D., on the 9th day of May, 1962, and for such other and further relief as the Board deems just in the premises.

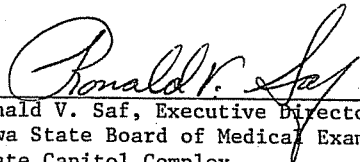
IOWA STATE BOARD OF MEDICAL EXAMINERS

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

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:

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