

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : ORDER
WILLIAM ROBERT MARSH, M.D. : 02-88-447
RESPONDENT :

NOW on MARCH 22, 1990, the
above entitled matter having been filed with the Director of
Public Health of the State of Iowa, and the said Director having
reviewed the file, and being fully advised in the premises FINDS:

1. That the Respondent, William Robert Marsh, M.D., was
issued license number 16951 to practice medicine and surgery in
the state of Iowa, on July 6, 1964, as recorded in the permanent
records in the office of the Iowa State Board of Medical Examin-
ers.

2. That a Complaint and Statement of Charges was filed
against the Respondent on April 20, 1989, and a hearing was held
on the said Complaint and Statement of Charges before a three
member panel of the Iowa State Board of Medical Examiners on
January 24, 1990.

3. That the Findings of Fact, Conclusions of Law and Pro-
posed Decision and Order of the Panel was issued on February 14,
1990. The said Findings of Fact, Conclusions of Law and Proposed

Decision and Order of the Panel was accepted without appeal by the Iowa State Board of Medical Examiners on February 15, 1990.

4. That on February 14, 1990, a copy of the said Findings of Fact, Conclusions of Law and Proposed Decision and Order of the Panel was sent to the Respondent at his last known address, via U.S. First Class Certified Mail, return receipt requested. On February 22, 1990, the said return receipt was received in the office of the Iowa State Board of Medical Examiners. The said return receipt was signed by Wanda Marsh, indicating that the mailing had been received at the Respondent's last known mailing address on February 20, 1990.

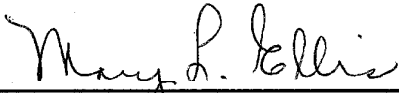
5. That pursuant to Rule 653-12.50(29) of the Iowa Administrative Code, on March 22, 1990, thirty (30) days having passed and no appeal of the said Proposed Decision having been filed by the Respondent or any other party to the proceeding, the said Findings of Fact, Conclusions of Law and Proposed Decision and Order of the Panel became a final order of the Board.

6. That Pursuant to Sections 148.6(1) and 148.7(7)(b) of the Code of Iowa and the Rule 653-12.50(31) of the Iowa Administrative Code, the Director of Public Health is authorized to enter an Order herein.

7. THEREFORE IT IS HEREBY ORDERED:

A. That license number 16951 issued to the Respondent, William Robert Marsh, M.D., on July 6, 1964, to practice medicine and surgery in the State of Iowa, is hereby revoked.

B. That the Respondent, William Robert Marsh, M.D., shall immediately deliver Iowa medicine and surgery license number 16951 to the Iowa State Board of Medical Examiners at its offices located at 1209 East Court Avenue, Des Moines, Iowa 50319-0180.



Mary L. Ellis, Director
Iowa Department 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)	DIA NO. 89DPHMB-12
COMPLAINT AND STATEMENT)	NO. 02-88-447
OF CHARGES AGAINST)	
WILLIAM ROBERT MARSH, M.D.,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
Respondent)	AND PROPOSED DECISION
)	AND ORDER OF THE PANEL

TO: William Robert Marsh, M.D.:

A Complaint and Statement of Charges was filed on April 20, 1989, by William S. Vanderpool, Executive Director of the Iowa Board of Medical Examiners (hereinafter the Board).

A hearing on the Complaint and Statement of Charges was held on January 24, 1990 beginning at 8:40 a.m. in the second floor conference room, Iowa Board of Medical Examiners, Executive Hills West, Des Moines, Iowa. The hearing was open to the public. A three-member panel of the Board was present for the hearing. The members of the panel were Donna Drees, M.D., John Olds, M.D., and George Spellman, M.D. Appearing for the State was Julie F. Pottorff, Assistant Attorney General. The Respondent, William Robert Marsh, M.D., was not present and was not represented by counsel. Present also were staff of the Board, and a court reporter. The undersigned administrative law judge of the Iowa Department of Inspections and Appeals presided, and was instructed to prepare this Decision.

THE RECORD

The record includes the Complaint and Statement of Charges filed April 20, 1989, the Order for Hearing, the Original Notice, the Appearance of Counsel, the Answer to Complaint and Statement of Charges, a Motion for Extension of Time to File List of Witnesses, an Order dated June 6, 1989, an Order continuing the hearing, a Motion to Set Hearing Date, an Order dated November 13, 1989, an Order dated November 27, 1989, an Order dated December 21, 1989, a letter of withdrawal dated December 20, 1989, the recorded testimony of the witness, and State's Exhibits 1 through 6.

FINDINGS OF FACT

1. The Respondent, William Robert Marsh, M.D., was issued license number 16951 to practice medicine and surgery in the State of Iowa on July 6, 1964. (Testimony of Fred P. Nichols; State's Exhibit 2).

2. The Respondent was legally served with the Order for Hearing by certified mail, return receipt requested. The Respondent did not appear at the hearing. (Testimony of Mr. Nichols; State's Exhibits 4, 5).

3. The Respondent's attorneys were legally served with the Order for Hearing by certified mail, return receipt requested. The Respondent's attorneys withdrew from representation of the Respondent prior to December 20, 1989. (State's Exhibits 5, 6).

4. The Respondent was licensed in both the States of Iowa and Nebraska. The Nebraska Bureau of Examining Boards, Department of Health, sent certified copies of documents regarding disciplinary action taken against the Respondent's license in the State of Nebraska to the Iowa Board. (Testimony of Mr. Nichols, State's Exhibits 2, 3).

5. On December 29, 1988, the Nebraska Department of Health filed Findings of Fact, Conclusions of Law, and Order with respect to William Robert Marsh, M.D., the Respondent in this case. The document provided the following, in part:

IV. FINDINGS OF FACT

Accordingly, the director, as the trier of fact herein, upon considering all evidence in the record, specifically finds that the plaintiff has proven by a preponderance of evidence that the defendant, Dr. Robert Frederick Marsh [sic], engaged in sexual acts with D.M. and K.T. [initials substituted for names] while they were under his care and treatment as a physician licensed to practice medicine in the State of Nebraska.

V. CONCLUSIONS OF LAW

It is therefore concluded that Dr. Robert Frederick Marsh [sic] is guilty of (1) grossly immoral and dishonorable conduct in violation of section 71-147(2) (Reissue 1981); (2) practice of the profession beyond its authorized scope in violation of section 71-147(5) (Reissue 1981); and (3) acts of unprofessional conduct such as those specified in Section 71-148 (Reissue 1981) and such acts as may be defined in regulations adopted by the Board of Examiners in Medicine and Surgery.

ORDER

The license of William Robert Marsh to practice medicine and surgery in the State of Nebraska is hereby revoked. The Defendant shall pay the costs of this action within 30 days of this order.

(State's Exhibit 3; Testimony of Mr. Nichols).

6. Because of the severity of the underlying charges which the Nebraska Board found to be true, the Respondent, William Robert Marsh, M.D., should not be practicing in Iowa. (State's Exhibit 3).

CONCLUSIONS OF LAW

Iowa Code Section 148.6(1) (1989) provides in part that the Iowa Board of Medical Examiners may revoke a license to practice medicine and surgery if, "after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery . . . is guilty of any of the following acts or offenses: . . . 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, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence." The Respondent has had his Nebraska license to practice revoked by the State of Nebraska. Therefore, pursuant to Iowa Code section 148.6(1) (1989), the Iowa Board has the authority to take appropriate disciplinary action with regard to Respondent's Iowa license.

DECISION AND ORDER

The Respondent's license to practice medicine and surgery in the State of Nebraska was revoked by the State of Nebraska because the Respondent engaged in sexual acts with patients while they were under his care and treatment as a physician. The Respondent should not be practicing in Iowa because of the severity of the underlying charges which led to the Nebraska revocation. Therefore, the Respondent's license to practice in Iowa should be revoked.

It is hereby ORDERED that if this proposed decision becomes a final decision of the Board, the Director of Public Health of the State of Iowa will enter an appropriate order providing that license number 16951 to practice medicine and surgery in the State of Iowa issued to the Respondent, William Robert Marsh, M.D., be revoked.

This proposed decision will become a final decision unless appealed to the Board pursuant to 653 Iowa Administrative Code 12.50(29). The appeal must be commenced by serving on the executive director of the Iowa Board of Medical Examiners, either in person or by certified mail, a notice of appeal within 30 days after service of this proposed decision.

Dated this 14th day of February, 1990.

Board Panel:

Donna Drees MD
Donna Drees, M.D.

John Olds
John Olds, M.D.

George Spellman, M.D.
George Spellman, M.D.

Administrative Law Judge:

Amy Christensen Couch
Amy Christensen Couch

ACC/jmm

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
WILLIAM ROBERT MARSH, M.D. : OF CHARGES
RESPONDENT : 02-88-447

* * * * *

COMES NOW William S. Vanderpool, Executive Director of the Iowa State Board of Medical Examiners, on April 20, 1989, and files this Complaint and Statement of Charges against William Robert Marsh, M.D., a physician licensed pursuant to Chapter 147, Code of Iowa and alleges:

1. That Mary Ellis is the duly appointed and qualified Director of Public Health of the State of Iowa.
2. That John R. Anderson, M.D., Chairman; C.L. Peterson, D.O., Vice Chairman; Ann O'Neill, Secretary; Charlotte Cleavenger, D.O.; John W. Olds, M.D.; Edra Broich; Hormoz Rassekh, M.D. and Robert B. Stickler, M.D., are the duly appointed and qualified officers and members of the Iowa State Board of Medical Examiners.
3. That the Respondent is a resident of Douglas County, Nebraska and was issued license number 16951 to practice medicine and surgery in the State of Iowa on July 6, 1964, as recorded in the permanent records in the office of the Iowa State Board of Medical Examiners.
4. That the Respondent's license is current until December 1, 1990.

5. That on December 28, 1988 a disciplinary order was signed by the Director of Health of the state of Nebraska, revoking the Respondent's license to practice medicine and surgery in Nebraska.

6. That the Iowa State Board of Medical Examiners is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 148.6(1) and 148.6(1)(d) of the Code of Iowa which state in whole or in part:

148.6(1) - "In addition to the provisions of sections 147.58 to 147.71, the medical examiners after due notice and hearing may direct the director of public health to issue an order to revoke or suspend a license to practice medicine and surgery... or to discipline a person licensed to practice medicine and surgery... for any of the grounds set forth in section 147.55 or if, after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery... is guilty of any of the following acts or offenses:

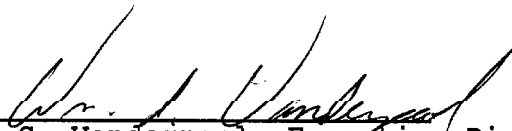
148.6(1)(d) - "Having the license to practice medicine and surgery... revoked or suspended, or having other disciplinary action taken by a licensing authority of another state..."

7. That paragraph 6 constitutes grounds for the Iowa State Board of Medical Examiners to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent, William Robert Marsh, M.D., on July 6, 1964.

WHEREFORE the undersigned charges that the Respondent, William Robert Marsh, M.D., is subject to disciplinary action pursuant to the provisions of sections 148.6(1) and 148.6(1)(d)

of the Code of Iowa and 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, William Robert Marsh, M.D., on July 6, 1964, and for such other relief as the Board deems just in the premises.

IOWA BOARD OF MEDICAL EXAMINERS



William S. Vanderpool, Executive Director
Iowa State Board of Medical Examiners
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Des Moines, Iowa 50319-0180
Telephone: (515) 281-5171