

**BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF IOWA**

IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES AGAINST

KIM W. LYLE, M.D., RESPONDENT

PO-91-001

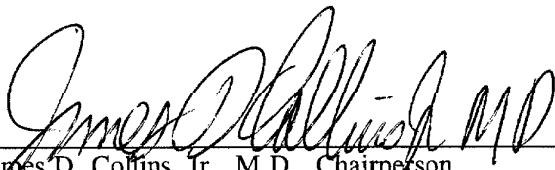
TERMINATION ORDER

NOW ON January 23, 1997 BE IT REMEMBERED:

1. That on February 10, 1992, an Order was issued by the Director of Public Health of the State of Iowa, placing the license to practice medicine and surgery, number 24279 issued to Kim W. Lyle, M.D. (hereafter the Respondent) on July 2, 1984, on probation under certain terms and conditions; and,
2. That the Respondent has successfully completed probation as directed; and:
3. That the Board having directed that the probation placed upon the Respondent's license to practice medicine and surgery should be terminated:

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice medicine and surgery [(is)shall be] terminated effective at 0001 hours February 10, 1997, and the said license shall then be returned to its full privileges free and clear of all restrictions.



James D. Collins, Jr., M.D., Chairperson
IOWA STATE BOARD OF MEDICAL EXAMINERS
1209 East Court Avenue
Des Moines, Iowa 50319-0180

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : ORDER
KIM W. LYLE, M.D. : 02-91-001
RESPONDENT :

NOW on February 10, 1992, the above entitled matter having been filed with the Director of Public Health, of the State of Iowa, and the said Director of Public Health having reviewed the file and being fully advised in the premises FINDS:

1. That Kim W. Lyle, M.D. (hereafter the Respondent), was issued a license to practice medicine and surgery in the state of Iowa, on July 2, 1984, as evidenced by certificate number 24279, which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners (hereafter the Board).

2. That a Complaint and Statement of Charges was filed against the Respondent, on September 26, 1991, and was scheduled to be heard before the Board.

3. That the Board has jurisdiction of the parties and the subject matter herein.

4. That the Director of Public Health is authorized to enter an Order herein under the provisions of sections 148.6(1) and 148.7(7), of the 1991 Code of Iowa and 653 I.A.C. 12.50(31).

5. That pursuant to the provisions of sections 17A.10 and

258A.3(4) of the 1991 Code of Iowa, the Respondent and the Board have entered into an Informal Settlement providing that the undersigned should enter an Order relating to the Respondent's license to practice medicine and surgery in the state of Iowa.

THEREFORE IT IS HEREBY ORDERED that the Respondent's license to practice medicine and surgery in the state of Iowa is placed on probation for a period of five (5) years under the following terms and conditions:

A. The Respondent shall provide any employee or designee of the Board with access on request to all records concerning the prescription of controlled drugs.

B. The Respondent shall not possess or use any controlled or prescription drug in any form unless prescribed for him by another duly licensed, treating physician, or other qualified medical practitioner. The Respondent shall inform any treating physician or medical practitioner of the terms of the Informal Settlement prior to accepting any medication.

C. The Respondent shall abstain from the use of alcohol.

D. The Respondent shall submit to witnessed blood or urine samples on demand by a designee of the Board. The samples shall be used for alcohol and drug screening all costs of which shall be paid by the Respondent.

E. The Respondent shall within thirty (30) days of the execution of the Informal Settlement (February 6, 1992), submit to the Board for approval the names and curriculum vitae of three physicians or counselors practicing in Iowa.

(1) As a condition of approval the

physicians or counselors shall agree to report to the Board on Respondent's continued treatment on a quarterly basis or upon request.

(2) The Respondent shall continue treatment or counseling until discharged by the physician or counselor and discharge is approved by the Board.

F. The Respondent shall attend at least one meeting of Alcoholics Anonymous or a similar organization weekly. Quarterly reports submitted under paragraph G shall include a statement by the Respondent attesting to attendance and listing the date and place of each meeting attended. In addition, the Respondent shall append to each report a signed, or initialed, statement by another member of the organization which confirms the Respondent's attendance.

G. The Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of the Informal Settlement and this Order.

H. The Respondent shall make appearances annually and/or upon request before the Board or a committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearances.

I. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.

6. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement or this Order.

7. In the event of the Respondent violates or fails to comply with any of the terms or provision of the Informal Settlement or this Order the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code sections 148.6(1), and 258A.3(2) and 653 I.A.C 12.2.

8. Upon full compliance with the terms and conditions set forth in the Informal Settlement and this Order and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.



Christopher G. Atchison, Director
Iowa Department of Public Health
Robert Lucas State Office Building
Des Moines, IA 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

RECEIVED
FEB - 1 1991
OFFICE OF THE CLERK

IN THE MATTER OF THE)	NO. 02-91-001
COMPLAINT AND STATEMENT)	
OF CHARGES AGAINST)	
KIM W. LYLE, M.D.,)	INFORMAL SETTLEMENT
RESPONDENT.)	

COME NOW the Iowa Board of Medical Examiners [the Board] and Kim W. Lyle, M.D., [the Respondent] and, pursuant to Iowa Code §§ 17A.10 and 258A.3(4), enter into the following Informal Settlement of the contested case currently on file:

1. The Respondent was issued license no. 24279 to practice medicine and surgery in Iowa on July 2, 1984, as recorded in the office of the Board.

2. A Complaint and Statement of Charges was filed against the Respondent on September 26, 1991.

3. The Board has jurisdiction of the parties and the subject matter.

4. The Director of Public Health shall take appropriate action to place the Respondent's license on probation for a period of five (5) years under the following terms and conditions:

- A. The Respondent shall provide any employee or designee of the Board with access on request to all

records concerning the prescription of controlled drugs.

- B. The Respondent shall not possess or use any controlled or prescription drug in any form unless prescribed for him by a duly licensed, treating physician, or other qualified medical practitioner. The Respondent shall inform any treating physician or medical practitioner of the terms of this Informal Settlement prior to accepting any medication.
- C. The Respondent shall abstain from the use of alcohol.
- D. The Respondent shall submit to witnessed blood or urine samples on demand by a designee of the Board. The samples shall be used for alcohol and drug screening all costs of which shall be paid by the Respondent.
- E. The Respondent shall within thirty (30) days of the execution of this Informal Settlement submit to the Board for approval the names and curriculum vitae of three

physicians or counselors practicing in Iowa.

(1) As a condition of approval the physicians or counselors shall agree to report to the Board on Respondent's treatment on a quarterly basis or upon request.

(2) The Respondent shall continue treatment or counseling until discharged by the physician or counselor and discharge is approved by the Board.

F. The Respondent shall attend at least one meeting of Alcoholics Anonymous or a similar organization weekly. Quarterly reports submitted under ¶ G shall include a statement by the Respondent attesting to attendance and listing the date and place of each meetings attended. In addition, the Respondent shall append to each report a signed statement by another member of the organization which confirms the Respondent's attendance.

- G. The Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of this Informal Settlement.
- H. The Respondent shall make appearances annually and/or upon request before the Board or a committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearances.
- I. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.

5. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement.

6. In the event the Respondent violates or fails to comply with any of the terms or provisions of this Informal Settlement, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline

as authorized in Iowa Code §§ 148.6(1), and 258A.3(2) and 653 Iowa Admin. Code § 12.2.

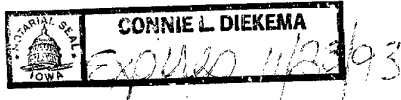
7. Upon full compliance with the terms and conditions set forth in this Informal Settlement and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.

8. This Informal Settlement is subject to approval of the Board. If the Board fails to approve this Informal Settlement, it shall be of no force or effect to either party.

9. This Informal Settlement is voluntarily submitted by the Respondent to the Board for consideration.

Kim W. Lyle
KIM W. LYLE, M.D.

Subscribed and sworn to before me on this 31st day of January, 1992



Connie L. Diekema
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

This Informal Settlement is accepted by the Iowa Board of Medical Examiners on the 31st day of December, 1991.

Edra Broich
Edra Broich, Secretary
Iowa Board of Medical Examiners

Subscribed and sworn to before me on this 6th day of February, ~~1991~~ 1992

Dennis M. Carr
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

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
KIM W. LYLE, M.D. . : OF CHARGES
RESPONDENT : 02-91-001

* * * * *

COMES NOW William S. Vanderpool, Executive Director of the Iowa State Board of Medical Examiners (hereafter the Board), on September 26, 1991, and at the direction of the Board files this Complaint and Statement of Charges against Kim W. Lyle, M.D. (hereafter the Respondent), a physician licensed pursuant to Chapter 147, Code of Iowa and alleges:

1. That Christopher G. Atchison is the duly appointed and qualified Director of Public Health of the State of Iowa.
2. That C.L. Peterson, Chairman; John W. Olds, M.D., Vice Chairman; Edra Broich; Charlotte Cleavenger, D.O.; Emmett B. Mathiasen, M.D.; Ann O'Neill; George G. Spellman, Sr., M.D.; Robert B. Stickler, M.D.; and Johanna B. Whalen, M.D., are the duly appointed and qualified members of the Board.
3. That the Respondent is a resident of Johnson County, Iowa, and was issued license number 24279 to practice medicine and surgery in the State of Iowa on July 2, 1984, as recorded in

the permanent records in the office of the Board.

4. That the Respondent's license is current until June 1, 1992.

5. That the Respondent has excessively used alcohol, drugs or narcotics.

6. That on January 29, 1991, a urine sample taken from the Respondent while he was seeing patients at his office contained Tetrahydrocannabinol (THC), a controlled drug, and alcohol.

7. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 148.6(1), 148.6(1)(h) and 148.6(1)(i) of the 1991 Code of Iowa 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 258A, or this subsection...

"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(1)(h) - "Inability to practice medicine and surgery...with reasonable skill and safety by reason of...excessive use of drugs, narcotics, chemicals or other type of material..."

148.6(1)(i) - "Willful...violation of lawful rule or regulation adopted by the board..."

8. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of rules

653-12.4, 653-12.4(4), and 653-12.4(28) of the Iowa Administrative Code which state in whole or in part:

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(4) - "Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes...the excessive use of alcohol, drugs, narcotics, chemicals or other material which may impair a physicians ability to practice the profession with reasonable skill and safety."

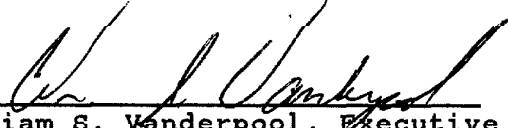
653-12.4(28) - "Violating any of the grounds for the revocation or suspension of license listed in Iowa Code sections...148.6."

9. That paragraphs 7 and 8 constitute grounds for the Board to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent on July 2, 1984.

WHEREFORE the undersigned charges that the Respondent is subject to disciplinary action pursuant to the provisions of sections 148.6(1), 148.6(1)(h) and 148.6(1)(i) of the 1991 Code of Iowa, and rules 653-12.4, 653-12.4(4), and 653-12.4(28) of the Iowa Administrative Code. 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 on July 2, 1984, and for such other relief as the Board deems just in the premises.

IOWA BOARD OF MEDICAL EXAMINERS



William S. Vanderpool, Executive Director
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Executive Hills West
Des Moines, Iowa 50319
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