

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

EUGENE C. OLIVETO, MD, RESPONDENT

No. 02-95-084

INFORMAL SETTLEMENT

COMES NOW the Iowa Board of Medical Examiners (the Board) and Eugene C. Oliveto, MD (the Respondent), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Informal Settlement of the contested case currently on file against the Respondent:

1: The Respondent was issued license number 25218 to practice medicine and surgery in Iowa on October 28, 1985.

2: A Statement of Charges, a copy of which is attached as Settlement Exhibit 1, was filed against the Respondent on October 19, 1995. The Statement of Charges is awaiting hearing.

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

4: The Respondent admits the allegations contained in the Statement of Charges.

5: Upon the Board's approval of this Informal Settlement, the Respondent shall receive a public letter of warning and reprimand [copy attached].

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

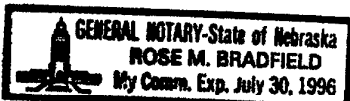
INFORMAL SETTLEMENT
Eugene C. Oliveto, MD
No. 02-95-084

7: The Board's approval of this Informal Settlement shall constitute a **FINAL ORDER** of the Board in a license disciplinary action.

This Informal Settlement is voluntarily submitted to the Board for consideration on Jan. 11, 1996.

Eugene C. Oliveto MD
Eugene C. Oliveto, MD, Respondent

Sworn and subscribed to before me on Wednesday 20 Dec., 1995.



Rose M. Bradfield
Notary Public State of Nebraska

This Informal Settlement is approved by the Board on 12/29, 1995.

James D. Collins, Jr. MD
James D. Collins, Jr., MD, Chairperson
Iowa Board of Medical Examiners

DMC/* 12-13-95

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TERRY E. BRANSTAD, GOVERNOR

BOARD OF MEDICAL EXAMINERS
ANN M. MARTINO, PH.D., EXECUTIVE DIRECTOR

December 29, 1995

Eugene C. Oliveto, MD
8031 W. Center Road - Suite 208
Omaha, NE 68124

LETTER OF WARNING AND REPRIMAND

Dear Dr. Oliveto:

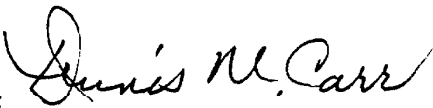
The Iowa Board of Medical Examiners filed a Statement of Charges against you on October 19, 1995 alleging that in 1992 you were the subject of a license disciplinary action by the medical licensing authority of the state of Nebraska. Additionally, the Statement of Charges alleged that you failed to report the Nebraska disciplinary action to the Iowa Board of Medical Examiners as required. Pursuant to the terms of the Informal Settlement you entered into with the Iowa Board on December 29, 1995, this public letter of warning and reprimand is a condition of the disposition of the Statement of Charges filed against you.

You are warned that any disciplinary action taken against you by another medical licensing authority, as well as your failure to notify the Iowa Board of any such action, are grounds for discipline in Iowa. Further disciplinary action by the Iowa Board could result in the revocation of your Iowa medical license. Further, you are hereby formally reprimanded for the occurrences which resulted in the Nebraska disciplinary action and for your failure to notify the Iowa Board of the Nebraska action.

Please take notice and in the future govern yourself accordingly.

Sincerely,

ANN M. MARTINO, PhD, Executive Director
Iowa Board of Medical Examiners

by: 

Dennis M. Carr
Associate Director/Chief of Compliance

c: File

AMM/DMC/* 12-29-95

/s/AnnMartino.LOR

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

EUGENE C. OLIVETO, MD, RESPONDENT

No. 02-95-084

STATEMENT OF CHARGES

COMES NOW Ann M. Martino, PhD, Executive Director of the Iowa Board of Medical Examiners (the Board), on October 19, 1995, and at the direction of the Board files this Statement of Charges against Eugene C. Oliveto, MD (the Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. That James D. Collins, Jr., MD, Chairperson; Laura J. Stensrud, Vice Chairperson; Edra E. Broich, Secretary; James M. Catherine, MD; Eddie D. DeHaan, MD; Mary C. Hodges; Dale R. Holdiman, MD; Teresa A. Mock, MD; Donna M. Norman, DO; and Roger F. Senty, DO, are the duly appointed, qualified and acting members of the Board.

2. That the Respondent was issued license number 25218 to practice medicine and surgery in Iowa on October 28, 1985.

3. That the Respondent's license is valid and will next expire on December 1, 1995.

4. That on or about June 15, 1992, a Petition for Disciplinary Action was filed with the Nebraska Department of Health, the medical licensing authority for Nebraska, seeking the imposition of discipline on the Respondent's Nebraska medical license. A copy of the petition is attached as Exhibit A.

5. That on or about December 4, 1992, the Respondent signed and Agreed Settlement and Affidavit of Voluntariness, which, if approved by the Director of the

Nebraska Department of Health, would be a disposition to the disciplinary action then pending against the Respondent. The settlement agreement, a copy of which is attached as Exhibit B, was filed with the Director of the Nebraska Department of Health on or about December 7, 1992.

6. That on or about December 23, 1992, the Director of the Nebraska Department of Health issued an Order conforming to the Agreed Settlement and Affidavit of Voluntariness, with minor clerical corrections. The Order imposed disciplinary sanctions upon the Respondent's Nebraska medical license. A copy of the Order is attached as Exhibit C.

7. The Respondent failed to notify the Board that he had been the subject of licensure discipline by the medical licensing authority of Nebraska.

8 That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of section 148.6(1) 148.6(2) and 148.6(2)d of the 1995 Code of Iowa and 653 IAC 12.4, 12.4(10), and 12.4(28), which state in whole or 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 272C, or this subsection.

148.6(2) - 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(2)d - Having the license to practice medicine and surgery ... revoked or suspended or having other disciplinary action taken by the licensing authority of another state ...

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:

12.4(10) - Failure to report a license revocation, suspension or other disciplinary action taken by a licensing authority of another state ... within 30 days of the final action by such licensing authority.

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

WHEREFORE the undersigned charges that the Respondent is subject to disciplinary action pursuant to the provisions of the statutes and Iowa Administrative Code rules outlined herein. The undersigned prays that the Board enter an order fixing a time and place of hearing for the Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its finding of fact and decision to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent and for such other relief as the Board deems just in the premises.

IOWA BOARD OF MEDICAL EXAMINERS



Ann M. Martino, PhD, Executive Director
1209 East Court Avenue
Des Moines, Iowa 50319-0180
Telephone: (515) 281-5171

DMC/* 10-15-95

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