

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

TODD M. VERHOEF, M.D., RESPONDENT

FILE No. 02-99-187

TERMINATION ORDER

NOW ON April 7, 2005 BE IT REMEMBERED:

1. On July 15, 1999, the Board filed formal disciplinary charges against Respondent's Iowa medical license, number 02853, for engaging in an inappropriate sexual relationship with a patient;

2. On November 8, 1999, Respondent entered into Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the Settlement Agreement, Respondent's Iowa medical license was suspended indefinitely.

3. On August 23, 2000, the Board reinstated Respondent's Iowa medical license, and placed it on five (5) years probation subject to certain monitoring requirements for sexual misconduct.

4. Recently, Respondent filed an application with the Board seeking termination the probation placed on his license, and:

5. On April 7, 2005, the Board voted to terminate the terms and conditions of probation placed upon Respondent's Iowa medical license.

THEREFOE, IT IS HEREBY ORDERED:

That the terms and conditions of probation placed upon Respondent's Iowa medical are terminated, and Respondent's license is returned to its full privileges free and clear of all restrictions.

IOWA BOARD OF MEDICAL EXAMINERS



Bruce L. Hughes, M.D., Chairperson
400 SW 8th, Suite C
Des Moines, Iowa 50309-4686

IN THE MATTER OF)	DIA NO: 00DPHMB007
THE STATEMENT OF CHARGES)	CASE NO: 02-99-187
AGAINST:)	
)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
TODD M. VER HOEF, M.D.)	DECISION AND ORDER
)	OF THE BOARD
RESPONDENT)	

On July 27, 2000 at approximately 1:45 p.m., a hearing was held before the Iowa Board of Medical Examiners (Board) concerning the second request for reinstatement filed by Todd M. Ver Hoef, M.D. (Respondent). The hearing was held in the Board Conference Room, 400 SW 8th Street, Des Moines, Iowa. The Respondent appeared and was represented by his counsel, Michael Figenshaw. The public interest was represented by Theresa O'Connell Weeg, Assistant Attorney General. The following members of the Board presided at the hearing: Dale Holdiman, M.D., Chairperson; Curtis Reynolds, M.D.; Donna Norman, D.O.; Teresa Mock, M.D.; Bruce Hughes, M.D.; Susan R. Johnson, M.D.; Janece Valentine and Diane Nagle, Public Members. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, assisted the Board in conducting the hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter.

THE RECORD

Respondent Exhibit 1:	Letter dated 1/19/00 (Ver Hoef To Board), enclosing \$5,000 check
Respondent Exhibit 2:	Letter (Ver Hoef to Figenshaw)
Respondent Exhibit 3:	Confidentiality Policy
Respondent Exhibit 4:	Letter dated 12/30/99 (Beeghly, M.D. to Figenshaw)

- Respondent Exhibit 5: Letter dated 1/10/00 (Brown, M.D. to Figenshaw)
- Respondent Exhibit 6: Voice Mail Message dated 2/10/00 (Weeg to Figenshaw)
- Respondent Exhibit 7: Letter dated 2/4/00 (Figenshaw to Weeg) and attached curriculum vitae
- Respondent Exhibit 8: Letter dated 4/3/00 (Hetherington, PhD to Figenshaw)
- Respondent Exhibit 9: Letter dated 10/19/99 (Menninger Clinic to Nebel)
- Respondent Exhibit 10: Letter dated 9/10/99 (Figenshaw to Weeg) with attached letter
- Respondent Exhibit 11: Letter from Physician Recovery Program
- Respondent Exhibit 12: Certificate of Participation in the 9th Annual Psychopharmacology Review
- Respondent Exhibit 13: Letter dated 7/5/2000 (Hetherington to Figenshaw)
- Respondent Exhibit 14: Letter dated 6/30/2000 (Respondent to Figenshaw)
- Respondent Exhibit 15: Letter dated 7/10/2000 (Hetherington to Figenshaw)

FINDINGS OF FACT

1. The Respondent was issued license number 29921 to practice medicine and surgery in Iowa on May 26, 1994. On July 15, 1999, the Board filed a Statement of Charges against the Respondent charging him with unethical conduct when he engaged in a sexual relationship with a patient, inappropriately relinquished possession of confidential patient information, and inappropriately prescribed controlled substances to a patient. The Respondent's license was indefinitely suspended by the Board on November 8, 1999, pursuant to a signed Settlement Agreement. (Decision and Order, 4/18/2000)

2. Pursuant to the Settlement Agreement, the Respondent admitted the allegations in the Statement of Charges. The Respondent's medical license was indefinitely suspended, and the Respondent

agreed to comply with the following conditions before seeking reinstatement of his license:

- a) Payment of a \$5,000.00 civil penalty.
- b) Completion of an evaluation for professional sexual misconduct at a program pre-approved by the Board and compliance with any recommendations made for treatment or following treatment by the program.
- c) Successful completion of a comprehensive prescribing course for psychiatrists, pre-approved by the Board.
- d) Submission of evidence that the Respondent has consulted with another Iowa licensed, board certified psychiatrist to develop written office protocols to ensure that confidentiality of patient records is maintained. Respondent shall submit these protocols to the Board for approval.

The Respondent also agreed that the license reinstatement provisions of Iowa Code section 148.9 and 653 IAC 12.40 would apply to any application for reinstatement, and that the Board would have discretion to impose appropriate restrictions, a term of probation, and conditions of probation. (Decision and Order, 4/18/2000)

3. The Respondent's first request for reinstatement was denied by the Board on April 18, 2000, following a hearing. The Board ordered that a second request for reinstatement may not be made until after July 1, 2000. Prior to making a second application for reinstatement, the Respondent was required to be in full compliance with the recommendation that he have therapy sessions 1-2 times each week. In addition, the Respondent was required to develop a plan for completing the remedial education program recommended by the Menninger Clinic. (Decision and Order, 4/18/2000)

4. The Respondent has paid the \$5000.00 civil penalty, has completed a comprehensive prescribing course for psychiatrists, and has submitted a written office protocol for confidentiality of patient records to the Board. (Decision and Order, 4/18/2000; Respondent Exhibits 1, 3, 12)

5. The Respondent was evaluated at the Professional Assessment Program at The Menninger Clinic in Topeka, Kansas from October 11-13, 1999. This program was pre-approved by the Board. The assessment made the following recommendations as a result of its assessment:

- a) Intensive psychotherapy 1-2 times per week for a period of at least two years, to address the lack of integration of his emotional life within his sense of identity and his personal relationships, including his marriage. Beginning

such a process would be necessary before renewal of patient contact, even though the Respondent intends to do only medication management.

b) A supervisory relationship separate from psychotherapy is needed concerning doctor-patient relationships as they exist in his practice, with regular supervisory contact to review issues. This supervisory contact is necessary before renewal of patient contact.

c) Remedial medical education concerning individual and group psychotherapy is needed, if necessary by correspondence or through a series of seminars. This remedial training need not be completed prior to beginning to see patients again.

(Decision and Order, 4/18/2000; Respondent Exhibit 9)

6. The Respondent had some therapy sessions with Dr. J.C.N. Brown, M.D., commencing on April 3, 1999 and continuing through January 10, 2000. The number or frequency of these sessions is unclear, although there were four sessions from April 3, 1999 until August 30, 1999. (Decision and Order, 4/18/2000; Respondent Exhibits 5, 10)

7. The Board has approved Cheryl Hetherington, Ph.D., as the Respondent's therapist. The Respondent commenced therapy with Dr. Hetherington in February, 2000. As of the date of the first reinstatement hearing, the Respondent had been in therapy for two months. The Respondent testified that he has been seeing Dr. Hetherington either weekly or bi-weekly, depending upon her availability. Since the first reinstatement hearing, the Respondent has continued therapy with Dr. Hetherington on a weekly basis. Dr. Hetherington believes that the Respondent is ready to resume his professional work as a psychiatrist in private practice. (Testimony of Respondent; Respondent Exhibits 6, 7, 8, 14, 15)

8. The Respondent has arranged for Dr. James Beeghly, M.D., a board certified psychiatrist, to supervise him in his practice of psychiatry. According to the Respondent, Dr. Beeghly will review all clinical issues and internal staffings in the Respondent's practice. (Decision and Order, 4/18/2000; Respondent Exhibits 4, 6)

9. The Respondent has enrolled in a continuing medical education (CME) program offered by the Hatherleigh Company entitled "Ethics in Psychotherapy." This program was recommended to him by Dr. Hetherington and covers a number of ethical issues, including Sexual Boundary Violations; Ethics, Insanity Pleas, and Forensic Psychology; Multifaceted Ethical Dimension of Treating the Mentally Ill; Dual Relationships: Associated Risks and Potential Benefits; Power Imbalances in Therapeutic Relationships; Current Ethical

Issues in the Practice of Psychology; Ethics in Supervision.
(Testimony of Respondent; Respondent Exhibits 13, 14)

CONCLUSIONS OF LAW

The Iowa Administrative Code provides that any person whose license to practice medicine and surgery has been revoked or suspended by the Board may apply to the Board for reinstatement in accordance with the terms and conditions of the order of revocation or suspension. 653 IAC 12.40.

If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, an initial application for reinstatement may not be made until one year has elapsed from the date of the director's order or the date of voluntary surrender. 653 IAC 12.40(1).

An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension of the respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the respondent. 653 IAC 12.40(3).

An order of reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law, and must be based upon the affirmative vote of not fewer than six members of the board. The order for reinstatement shall be published as provided in subrule 12.39 653 IAC 12.40(4).

The preponderance of the evidence established that the Respondent has now sufficiently addressed the issues leading to the suspension of his license and it is in the public interest for his license to be reinstated, subject to terms of probation. The Respondent has complied with all of the requirements placed on him by the Board, including the more recent request to continue in weekly therapy and to develop a continuing medical education plan.

ORDER

IT IS THEREFORE ORDERED, that the Respondent's license to practice medicine in the state of Iowa shall be REINSTATED and shall immediately be placed on probation for a period of five (5) years, subject to the following terms and conditions:

1. The Respondent shall continue to receive psychotherapy from his therapist, Dr. Cheryl Hetherington Ph.D., or another Board approved therapist, on a weekly basis, unless a different schedule is recommended by his therapist and approved by the Board. Treatment shall include individual and group therapy, as recommended by his therapist. The

Respondent shall ensure that the Board-approved therapist submits quarterly reports to the Board detailing Respondent's progress in treatment and shall include a summary of the Patient Satisfaction Surveys completed by patients in Respondent's practice, as set forth in subparagraph 2(b) below. Quarterly reports shall be submitted to the Board office by March 15th, June 15th, September 15th, and December 15th of each year. The Board-approved therapist shall immediately report to the Board any concerns regarding Respondent which pose a danger to his patients.

2. The Respondent shall submit to the Board the name and curriculum vitae of another experienced psychiatrist who is willing to supervise the Respondent's practice. This supervisor shall not have a prior personal relationship with the Respondent. The Respondent shall also submit, for Board approval, a supervision plan which must include a review clinical issues, internal staffings, and review of the Respondent's prescribing to ensure that it is appropriate.

a. The Respondent shall ensure that the Board-approved supervisor submits quarterly reports to the Board. Quarterly reports shall be submitted to the Board office by March 15th, June 15th, September 15th, and December 15th of each year.

b. The Respondent shall ensure that for a one week period every three months, all patients seen by Respondent complete a Patient Satisfaction Survey. The form is to be distributed to patients by staff, not Respondent, and mailed to his Board-approved therapist by staff, not Respondent, by March 1st, June 1st, September 1st, and December 1st of each year.

c. The Respondent shall provide a copy of this Order of the Board to his employer or the office manager. The employer or office manager shall verify to the Board in writing that he or she has read this Order of the Board and understands it.

3. The Respondent shall comply with the Confidentiality Policy approved by the Board.

4. The Respondent shall complete the "Ethics in Psychotherapy" course provided by the Hatherleigh Company and recommended by his therapist. Documentation of his completion of the course shall be submitted to the Board by December 31, 2000.

5. The Respondent shall submit quarterly written reports under penalty of perjury to the Board, no later than March

15th, June 15th, September 15th, and December 15th of each year of probation, verifying his compliance with all of the terms of probation.

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

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

8. If the Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the period of probation.

9. If the Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code chapters 148, 272C, and 653 IAC 12.4.

10. Upon full compliance with the terms of this Order and upon expiration of the period of probation, Respondent's Iowa medical license shall be restored to its full privileges free and clear of terms of probation.

Dated this **23** day of **August**, 2000.

Dale R. Holdiman MD

Dale Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners

cc: Theresa O'Connell Weeg, Assistant Attorney General
Michael Figenshaw, Attorney for the Respondent

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this order.

IN THE MATTER OF)	DIA NO: 00DPHMB001
THE STATEMENT OF CHARGES)	CASE NO: 02-99-187
AGAINST:)	
)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
TODD M. VER HOEF, M.D.)	DECISION AND ORDER
)	OF THE BOARD
RESPONDENT)	

On April 6, 2000 at 5:00 p.m., a hearing was held before the Iowa Board of Medical Examiners (Board) concerning the request for reinstatement filed by Todd M. Ver Hoef, M.D. (Respondent). The hearing was held in the Board Conference Room, 400 SW 8th Street, Des Moines, Iowa. The Respondent appeared and was represented by his counsel, Gregory A. Witke. The state was represented by Theresa O'Connell Weeg, Assistant Attorney General. The following members of the Board presided at the hearing: Dale Holdiman, M.D., Chairperson; Curtis Reynolds, M.D.; Donna Norman, D.O.; Bruce Hughes, M.D.; Laura Stensrud and Diane Nagel, Public Members. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, assisted the Board in conducting the hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter.

THE RECORD

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Respondent Exhibit 9: Letter dated 10/19/99 (Menninger Clinic to Nebel)

Respondent Exhibit 10: Letter dated 9/10/99 (Figenshaw to Weeg) with attached letter

Respondent Exhibit 11: Letter from Physician Recovery Program

Respondent Exhibit 12: Certificate of Participation in the 9th Annual Psychopharmacology Review

State Exhibit A: Investigative Report dated 6/13/99 and attached complaints

State Exhibit B: Statement of Charges against Respondent, 7/15/99

State Exhibit C: Settlement Agreement and Final Order, 11/8/99

State Exhibit D: Informal Settlement, James A. Wilcox, D.O.

State Exhibit E: Combined Statement of Charges, Settlement Agreement, and Final Order, Joshua E. Nnanji, M.D., 6/4/98

State Exhibit F: Order denying first request for reinstatement, Joshua E. Nnanji, M.D., 10/27/98

State Exhibit G: Order granting second request for reinstatement, Joshua E. Nnanji, M.D., 6/9/99

FINDINGS OF FACT

1. The Respondent was issued license number 29921 to practice medicine and surgery in Iowa on May 26, 1994. On July 15, 1999, the Board filed a Statement of Charges against the Respondent charging him with unethical conduct when he engaged in a sexual relationship with a patient, inappropriately relinquished possession of confidential patient information, and inappropriately prescribed controlled substances to a patient. The Respondent's license was indefinitely suspended by the Board on November 8, 1999, pursuant to a signed Settlement Agreement. (Testimony of Respondent; State Exhibits B, C)

2. Pursuant to the Settlement Agreement, the Respondent admitted the allegations in the Statement of Charges. The Respondent's medical license was indefinitely suspended, and the Respondent agreed to comply with the following conditions before seeking reinstatement of his license:

- a) Payment of a \$5,000.00 civil penalty.
- b) Completion of an evaluation for professional sexual misconduct at a program pre-approved by the Board and compliance with any recommendations made for treatment or following treatment by the program.
- c) Successful completion of a comprehensive prescribing course for psychiatrists, pre-approved by the Board.
- d) Submission of evidence that the Respondent has consulted with another Iowa licensed, board certified psychiatrist to develop written office protocols to ensure that confidentiality of patient records is maintained. Respondent shall submit these protocols to the Board for approval. (State Exhibit C)

The Respondent also agreed that the license reinstatement provisions of Iowa Code section 148.9 and 653 IAC 12.40 would apply to any application for reinstatement, and that the Board would have discretion to impose appropriate restrictions, a term of probation, and conditions of probation. (Testimony of Respondent; State Exhibit C)

3. The Respondent has paid the \$5000.00 civil penalty, has completed a comprehensive prescribing course for psychiatrists, and has submitted a written office protocol for confidentiality of patient records to the Board. (Testimony of Respondent; Respondent Exhibits 1, 3, 12)

4. The Respondent was evaluated at the Professional Assessment Program at The Menninger Clinic in Topeka, Kansas from October 11-13, 1999. This program was pre-approved by the Board. The assessment made the following recommendations as a result of its assessment:

a) Intensive psychotherapy 1-2 times per week for a period of at least two years, to address the lack of integration of his emotional life within his sense of identity and his personal relationships, including his marriage. Beginning such a process would be necessary before renewal of patient contact, even though the Respondent intends to do only medication management.

b) A supervisory relationship separate from psychotherapy is needed concerning doctor-patient relationships as they exist in his practice, with regular supervisory contact to review issues. This supervisory contact is necessary before renewal of patient contact.

c) Remedial medical education concerning individual and group psychotherapy is needed, if necessary by correspondence or through a series of seminars. This remedial training need not be completed prior to beginning to see patients again.

(Testimony of Respondent; Respondent Exhibit 9)

5. The Respondent had some therapy sessions with Dr. J.C.N. Brown, M.D., commencing on April 3, 1999 and continuing through January 10, 2000. The number or frequency of these sessions is unclear, although there were four sessions from April 3, 1999 until August 30, 1999. (Testimony of Respondent; Respondent Exhibits 5, 10)

6. The Board has approved Cheryl Hetherington, Ph.D., as the Respondent's therapist. The Respondent commenced therapy with Dr. Hetherington in February, 2000. As of the date of the reinstatement hearing, the Respondent had been in therapy for two months. The Respondent testified that he has been seeing Dr. Hetherington either weekly or bi-weekly, depending upon her availability. (Testimony of Respondent; Respondent Exhibits 6, 7, 8)

7. The Respondent has arranged for Dr. James Beeghly, M.D., a board certified psychiatrist, to supervise him in his practice of psychiatry. The Board has approved the selection of Dr. Beeghly. According to the Respondent, Dr. Beeghly will review all clinical issues and internal staffings in the Respondent's practice. (Testimony of Respondent; Respondent Exhibits 4, 6)

CONCLUSIONS OF LAW

The Iowa Administrative Code provides that any person whose license to practice medicine and surgery has been revoked or suspended by the Board may apply to the Board for reinstatement in accordance with the terms and conditions of the order of revocation or suspension. 653 IAC 12.40.

If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, an initial application for reinstatement may not be made until one year has elapsed from the date of the director's order or the date of voluntary surrender. 653 IAC 12.40(1).

An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension of the respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the respondent. 653 IAC 12.40(3).

An order of reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law, and must be based upon the affirmative vote of not fewer than six members of the board. The order for reinstatement shall be published as provided in subrule 12.39 653 IAC 12.40(4).

The Board was not convinced that the Respondent has sufficiently addressed the problems which led to the indefinite suspension of his license or that it is in the public interest for his license to be reinstated at this time. The ethical violations committed by the Respondent were very serious. While the Board was convinced that the Respondent has accepted responsibility for his actions and has made significant progress in complying with the recommendations for his return to practice, it is too soon to reinstate his license.

In particular, the Board has concern that the Respondent has only had weekly or bi-weekly sessions with his Board approved therapist for two months prior to the reinstatement hearing. Menninger Clinic had recommended therapy at a frequency of 1-2 times each week for at least two years. If the Respondent's approved therapist is unable to meet with him that frequently due to her schedule, the Respondent may need to seek approval for a different therapist. Given the seriousness of the Respondent's violations, it is important that his relationship with his therapist be well established before he resumes his practice.

ORDER

IT IS THEREFORE ORDERED, that the Respondent's Application for Reinstatement of his license is DENIED.

IT IS FURTHER ORDERED, that the Respondent may not make a second request for reinstatement until after July 1, 2000. Prior to making a second application for reinstatement, the Respondent shall be in full compliance with the recommendation that he have therapy sessions 1-2 times each week. In addition, the Respondent shall have developed a plan for completing the remedial education program recommended by the Menninger Clinic.

Dated this 18th day of April, 2000.

Dale R. Holdiman MD
Dale Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners

cc: Theresa O'Connell Weeg, Assistant Attorney General
Gregory A. Witke, Attorney for Respondent

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this order.

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE)	NO. 02-99-187
COMPLAINT AND STATEMENT)	
OF CHARGES AGAINST)	
)	
TODD VERHOEF, M.D.,)	SETTLEMENT AGREEMENT
)	AND FINAL ORDER
RESPONDENT.)	

COMES NOW the Iowa Board of Medical Examiners (~~hereafter the Board~~) and Todd Verhoef, M.D. (hereafter Respondent), and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (1999), enter into the following Settlement Agreement and Final Order to resolve the contested case currently on file.

(1) Respondent was issued license number 29921 to practice medicine and surgery in the State of Iowa on May 26, 1994. .

(2) Respondent's medical license is valid and will next expire on August 1, 2000.

(3) A Statement of Charges was filed against Respondent on July 15, 1999 , and is awaiting hearing.

(4) The Board has jurisdiction over the parties and subject matter herein.

(5) Respondent admits the allegations contained in the Statement of Charges.

(6) Immediately upon the Board's approval of this Combined Statement of Charges and Settlement Agreement, Respondent's medical license shall be indefinitely suspended. In order to reinstate his medical license, Respondent shall be subject to

the license reinstatement provisions of 148.9 and 653 IAC 12.40.

(7) Prior to filing a petition seeking reinstatement of licensure, Respondent shall:

- (a) Pay a five thousand dollar (\$5,000.00) civil penalty. A check made payable to the Treasurer of Iowa shall be delivered to the Executive Director of the Board and shall be deposited into the general fund.
- (b) Submit to evaluation for professional sexual misconduct at a program pre-approved by the Board. Respondent shall comply with any recommendations for treatment made by that program, and with any recommendations following treatment made by that program.
- (c) Successfully complete a comprehensive prescribing course for psychiatrists pre-approved by the Board.
- (d) Submit evidence to the Board that Respondent has consulted with another Iowa-licensed, board-certified psychiatrist to develop written office protocols to ensure that the confidentiality of patient records is maintained. Respondent shall submit these protocols to the Board for approval.

(8) In the event the Board determines Respondent's medical license shall be reinstated, the Board shall have discretion to impose appropriate restrictions, a term of probation, and conditions of probation.

(9) Respondent is responsible for timely payment of all costs incurred in complying with the terms of this Settlement Agreement and Final Order, and for all costs incurred in applying for reinstatement.

(10) In the event Respondent violates or fails to comply with any of the terms or provisions of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline as authorized in Iowa Code Sections 148.6 and 272C.3(2)(a).

(11) This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement, Respondent waives all rights to a contested case hearing, and waives any objection to this Settlement Agreement.

(12) This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration.

(13) This Settlement Agreement and Final Order must be approved by the Board. If the Board fails to approve this Combined Statement of Charges, Settlement Agreement and Final Order it shall be of no force or effect to either party.

(14) The Board's approval of this Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

Settlement Agreement and Final Order
Todd Verhoef, M.D.
Page 4



Todd Verhoef MD
TODD VERHOEF, M.D., Respondent

Subscribed and sworn to before me this 22nd day of October 1999.

Dianne L. Kaufman
Notary Public in and for the state of county of Johnson Co, Iowa.

This Settlement Agreement and Final Order is approved by the Board on
November 8, 1999.

DALE R. HOLDIMAN MD
DALE HOLDIMAN, M.D., Chairperson
Iowa Board of Medical Examiners

copies to:

Theresa O'Connell Weeg
Attorney General's Office
2nd Floor Hoover Building
Des Moines, IA 50319

Michael Figenshaw
801 Grand Avenue, Suite 3700
Des Moines, IA 50309

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

TODD M. VERHOEF, M.D., RESPONDENT

No. 02-99-187

COMES NOW the Iowa Board of Medical Examiners (the Board), on July 15, 1999, and files this Statement of Charges against Todd M. Verhoef, M.D., (Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. Respondent was issued license number 29921 to practice medicine and surgery in Iowa on May 26, 1994. The license is valid and will next expire on August 1, 2000.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

3. Respondent is charged under Iowa Code section 147.55(3) (1999) and 653 IAC section 12.4(3) with engaging in unethical conduct when he engaged in sexual relationship with a patient.

COUNT II

4. Respondent is charged under Iowa Code section 147.55(3) (1999) and 653 IAC section 12.4(3) with engaging in unethical conduct when he inappropriately relinquished possession of confidential patient information.

STATE OF IOWA
BOARD OF MEDICAL EXAMINERS

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COUNT III

5. Respondent is charged under Iowa Code section 147.55(3) (1999) and 653 IAC section 12.4(3) with engaging in unethical conduct when he inappropriately prescribed controlled substances to a patient.

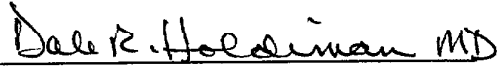
CIRCUMSTANCES

6. Respondent admitted engaging in a sexual relationship with a patient in early 1999.

7. Respondent inappropriately relinquished possession of confidential patient information to this patient.

8. Respondent inappropriately prescribed controlled substances to this patient.

On this the 15th day of July, 1999, the Iowa Board of Medical Examiners finds probable cause to file this Statement of Charges.


Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
1209 East Court Avenue
Des Moines, Iowa 50319
Phone 515-281-5171

cc: Theresa O'Connell Weeg, Esq.
Assistant Attorney General
Iowa Department of Justice
Hoover State Office Building
Des Moines, IA 50319
Phone 515-281-6858