

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF A CONFIDENTIAL INVESTIGATION CONCERNING

DAVID J. HOULIHAN, M.D., RESPONDENT

No. 02-01-1429

SETTLEMENT AGREEMENT and FINAL ORDER

COMES NOW the Iowa Board of Medical Examiners (the Board), and David J. Houlihan, M.D., (Respondent), on Apr. / 3, 2003, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), and enter into this Settlement Agreement and Final Order to resolve the contested case currently on file.

1. Respondent was issued license number 29739 to practice medicine in Iowa on February 16, 1994.
2. Respondent's Iowa medical license is valid and will next expire on February 1, 2004.
3. A Statement of Charges was filed against Respondent on June 5, 2002, and is awaiting hearing.
4. The Board has jurisdiction over the parties and subject matter.

5. On or about April 25, 2002, Respondent completed a comprehensive professional boundary evaluation under the direction of Gene G. Abel, M.D. at the Behavioral Medicine Institute of Atlanta, 1401 Peachtree Street, Suite 140, Atlanta, Georgia.

6. Within 14 days of the date of this Order, Respondent shall contact Deb Anglin, Coordinator, Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-6491, to schedule a professional boundary education program. Within 90 days of the date of this Order, Respondent shall successfully complete an education program on physician-patient boundaries in the practice of psychiatry under the direction of John Hung, Ph.D., at Health Psychology Consultants, 7301 Ohms Lane, Suite 365, Edina, Minnesota. All costs associated with the boundary education program shall be Respondent's responsibility.

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

8. In the event Respondent violates or fails to comply with any of the terms or conditions of this Settlement Agreement and Final 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 and 272 and 653 IAC 12.2.

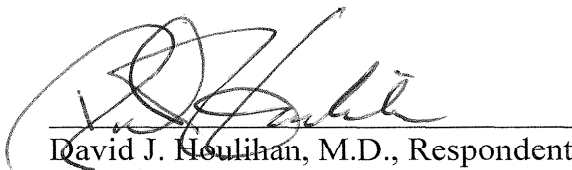
9. This Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

10. By entering into this Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Settlement Agreement.

11. This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for consideration.

12. This Settlement Agreement and Final Order is subject to approval by the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

13. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


David J. Houlihan, M.D., Respondent


Subscribed and sworn to before me on March 13, 2003.

Notary Public, State of Wisconsin


Ramona L. Rattunde

This Settlement Agreement and Final Order is approved by the Board on

April 3, 2003.



Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

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No. 02-01-1429

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medical Examiners (the Board), on June 5, 2002, and files this Statement of Charges against David J. Houlihan, M.D., (Respondent), a physician licensed pursuant to Chapter 147 of the 2001 Code of Iowa and alleges:

1. Respondent was issued license number 29739 to practice medicine and surgery in Iowa on February 16, 1994.
2. Respondent's Iowa medical license is valid and will next expire on February 1, 2004.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged under Iowa Code section 147.55(3) (2001) and 653 IAC section 12.4(3) with engaging in unethical conduct or practice harmful or detrimental to the public when he violated appropriate professional physician/patient boundaries.

CIRCUMSTANCES

5. Respondent, a psychiatrist practicing in Iowa, inappropriately hired patients and/or former patients to perform work for him.

6. Respondent inappropriately possessed patient medications at his home.

7. Respondent engaged in an inappropriate social relationship with a patient.

8. The Board referred this matter to a peer review committee consisting of two Iowa licensed psychiatrists. The peer review committee concluded that Respondent failed to maintain proper boundaries with respect to his relationship with a former patient.

On this the 5th day of June, 2002, the Iowa Board of Medical Examiners finds probable cause to file this Statement of Charges.

Dale R. Holdiman MD

Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686