

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST
MICHAEL T. SANBORN, DO, RESPONDENT

No. 03-96-289

INFORMAL SETTLEMENT

COMES NOW the Iowa Board of Medical Examiners (the Board) and Michael T. Sanborn, DO (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 02865 to practice osteopathic medicine and surgery in Iowa on July 1, 1994.

2) A Statement of Charges was filed against the Respondent on March 6, 1997. The Statement of Charges awaits hearing.

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

4) The Respondent acknowledges that if this matter proceeded to hearing, the State would present evidence that may substantiate the allegations contained in the Statement of Charges.

5) Not more than ten (10) days following the date of the Board's approval of this Informal Settlement, the Respondent shall surrender his Iowa medical license by sending or delivering the original license certificate to the Board office. The Respondent's license surrender shall be pursuant to the provisions of Iowa Code section 148.8.


6) By entering into this Informal Settlement, the 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 Informal Settlement.

7) This Informal Settlement constitutes resolution of a contested case proceeding and is subject to approval

INFORMAL SETTLEMENT
Michael T. Sanborn, DO
No. 03-96-289

by the Board. If the Board does not approve this Informal Settlement it shall be of no force or effect to either party.

8) The Board's approval of this Informal Settlement shall constitute a **FINAL ORDER** of the Board.



Michael T. Sanborn, DO, Respondent

Subscribed and sworn to before me on 6-6-97, 1997.



Notary Public, State of Iowa *Expires 11-26-99*

This Informal Settlement is approved by the Board on this 18th day of JUNE, 1997.

TERESA A. MOCK, MD 
~~James D. Collins, Jr., MD, Chairperson~~
Iowa Board of Medical Examiners

c Theresa O'Connell Weeg, Esq., Assistant Attorney General
Connie L. Diekema, Esq., Attorney for Respondent
Presiding Administrative Law Judge

DMC/* 04-23-97

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BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES AGAINST

MICHAEL T. SANBORN, DO, RESPONDENT

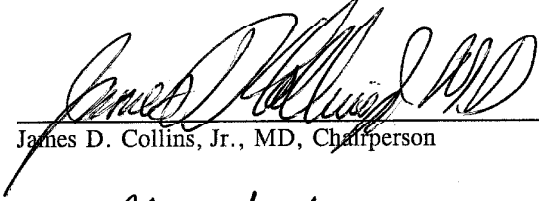
No. 03-963-289

ORDER OF SUMMARY SUSPENSION AND ORDER FOR HEARING
[Combined]

On March 6, 1997, the Iowa Board of Medical Examiners (the Board), having been presented with evidence which established probable cause to believe that Michael T. Sanborn, DO (the Respondent), is, in the specific areas outlined below, unable to practice osteopathic medicine and surgery with reasonable skill and safety as alleged in a Statement of Charges, **FOUND** that the Respondent's lawful ability to perform those procedures constitutes an immediate threat to the public health, safety and welfare:

IT IS HEREBY ORDERED that, until further order of the Board, pursuant to the provisions of section 17A.18(3) of the 1997 Code of Iowa, the Respondent's license to practice osteopathic medicine and surgery, number 02865, issued July 1, 1994, is hereby summarily suspended in the following specific areas: *treatment, contact and association with adolescent male patients*. A hearing on the statement of charges and summary suspension is set for April 10, 1997. The hearing will be held in a conference room at the Board's office 1209 East Court Avenue [Executive Hills - west building], Des Moines, Iowa. **IT IS FURTHER ORDERED** that the license suspension as outlined herein shall become effective immediately upon service of a copy of this order on the Respondent. Service of the within order shall be by U. S. restricted certified mail, return receipt requested, or in the manner of service of an Original Notice.

IOWA BOARD OF MEDICAL EXAMINERS



James D. Collins, Jr., MD, Chairperson

Dated: March 6, 1997.

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL T. SANBORN, DO, RESPONDENT

No. 03-96-289

STATEMENT OF CHARGES

COMES NOW Ann M. Martino, PhD, Executive Director of the Iowa Board of Medical Examiners (the Board), on March 6, 1997, and at the direction of the Board files this Statement of Charges against Michael T. Sanborn, DO (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 Stensrud, Vice Chairperson; Teresa A. Mock, MD, Secretary; James M. Caterine, MD; Eddie D. DeHaan, MD; Mary C. Hodges; Dale Holdiman, MD; Shirley A. Meisenheimer; Donna M. Norman, DO; and Allen J. Zagoren, DO, are the duly appointed, qualified and acting officers and members of the Board.

2. That the Respondent was issued license number 02865 to practice osteopathic medicine and surgery in Iowa on July 1, 1994.

3. That the Respondent's license is valid and will next expire on January 1, 1998.

4. That between December 1995 and August 1996 the Respondent engaged in the following conduct:

STATEMENT OF CHARGES
Michael T. Sanborn, DO
No. 03-96-289

A. Engaging in sexually suggestive conversation with adolescent male patients which was neither diagnostic nor therapeutic in nature;

B. Using the physician-patient relationship to solicit a relationship outside of the office; and,

C. Obtaining custody of and co-habiting with an unrelated adolescent male who was a former patient;

5. That between August 1994 and October 1995 the Respondent engaged in sexually suggestive conversations and activities with a non-patient adolescent male.

6. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of section 147.55, 147.55(2), 147.55(8), 148.6(1), 148.6(2), 148.6(2)g and 148.6(2)i of the 1997 Code of Iowa and 653 IAC 12.4, 12.4(2), 12.4(2)d, 12.4(3), 12.4(3)b, 12.4(13), 12.4(15) and 12.4(28), which state in whole or part:

147.55 - Grounds. A license to practice a profession shall be revoked or suspended when the licensee is guilty of any of the following acts or offenses:

147.55(2) - Professional incompetency.

147.55(8) - Willful or repeated violations of the provisions of this Act.

148.6(1) - The medical examiners, after due notice and hearing in accordance with Chapter

STATEMENT OF CHARGES
Michael T. Sanborn, DO
No. 03-96-289

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.(2)g - Being guilty of a willful or repeated departure from, or failure to conform to, the minimal standard of acceptable and prevailing practice of ... osteopathic medicine and surgery ... or the committing by a physician of an act contrary to ... good morals, whether the same is committed in the course of the physician's practice or otherwise ...

148.6(2)i - Willful or repeated violation of lawful rule or regulation adopted by the board ...

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(2) - Professional incompetency. Professional incompetency includes but is not limited to:

653-12.4(2)d - A willful or repeated departure from or the failure to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery ... in the state of Iowa.

STATEMENT OF CHARGES
Michael T. Sanborn, DO
No. 03-96-289

653-12.4(3) - Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public...

653-12.4(3)b - Engaging in unethical conduct includes, but is not limited to, a violation of the standards and principles of medical ethics and code of ethics set out in rules 13.10 ... as interpreted by the board.

653-12.4(13) - Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery ... in which proceeding actual injury to a patient need not be established; or the committing by a physician of an act contrary to honesty, justice or good morals whether the same is committed in the course of their practice or otherwise ...

653-12.4(15) - Willful or repeated violation of lawful rule or regulation adopted by the board.

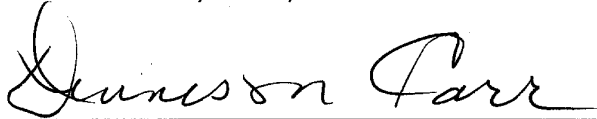
653-12.4(28) - Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55 and 148.6.

WHEREFORE the undersigned charges that pursuant to the provisions of the statutes and Iowa Administrative Code rules set out herein the Respondent is subject to disciplinary action. The undersigned prays that the Board enter an order fixing a time and place of hearing for the Statement of Charges. The undersigned

STATEMENT OF CHARGES
Michael T. Sanborn, DO
No. 03-96-289

further prays that upon final hearing the Board enter its finding of fact and decision to revoke, suspend or otherwise discipline the Respondent's Iowa medical license and for such other relief as the Board deems just in the premises.

IOWA BOARD OF MEDICAL EXAMINERS
Ann M. Martino, PhD, Executive Director



by: Dennis M. Carr, Associate Director
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