

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

J. PATRICK BERTROCHE, D.O., RESPONDENT

FILE No. 03-2016-654

**STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board) and J. Patrick Bertroche, D.O., (Respondent), on July 20, 2017, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. **Iowa Medical License:** Respondent was issued Iowa medical license DO-03220 on March 31, 1999. Respondent's Iowa medical license is active and will next expire on November 1, 2018.
2. **Jurisdiction:** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

3. **Maintaining Pre-Signed Prescriptions:** Respondent is charged pursuant to Iowa Code sections 147.55(8), 148.6(i) and 272C.10(8) and 653 IAC 23.1(29) with violating a lawful rule or regulation adopted by the Board when he maintained pre-signed prescriptions which were intended to be completed and issued at a later time.

STATEMENT OF MATTERS ASSERTED

4. **Practice Setting:** Respondent is an Iowa-licensed physician who practices psychiatry in Des Moines, Iowa.

5. **Maintaining Pre-Signed Prescriptions:** Respondent violated the laws and rules governing the practice of medicine in Iowa when he maintained multiple pre-signed prescriptions which were intended to be completed and issued by staff at a later time at his office in Des Moines, Iowa. The pre-signed prescriptions were kept in a locked office which according to Respondent was accessible only by his staff.

SETTLEMENT AGREEMENT

6. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the laws and rules governing the practice of medicine in Iowa when he maintained multiple pre-signed prescriptions which were intended to be completed and issued by staff at a later time at his office in Des Moines, Iowa. Respondent is hereby **WARNED** that engaging in such practice in the future may result in further disciplinary action against his Iowa medical license.

7. **CIVIL PENALTY:** Respondent shall pay a **\$5,000 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

8. **PROFESSIONAL ETHICS PROGRAM:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Center for Personalized Education for Physicians (CPEP), in Denver, Colorado, within ninety (90) days of the date of this order. Respondent shall ensure that a report is sent directly to the Board upon completion. Respondent is responsible for all costs associated with the program.

9. Respondent voluntarily submits this Order to the Board for consideration.

10. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

11. This Order constitutes the resolution of a contested case proceeding.

12. Respondent shall submit a written statement to the Board, which demonstrates that he has shared a copy of this order with all medical licensing boards where Respondent holds a license, whether active or not, within thirty (30) days of the date of Board approval of this order.

13. Respondent shall submit a written statement to the Board, which demonstrates that he has shared a copy of this order with all hospitals, clinics and/or agencies where Respondent is employed as a physician, within thirty (30) days of the date of Board approval of this order.

14. Respondent understands that by entering into this Order he has a right to legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

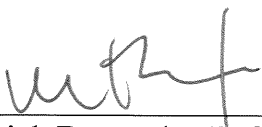
15. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, he cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

16. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

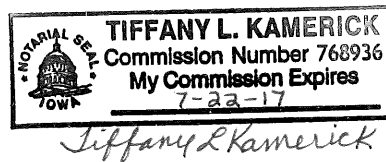
17. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

18. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

19. The Board's approval of this Order shall constitute a **Final Order** of the Board.



J. Patrick Bertroche, D.O., Respondent



Subscribed and sworn to before me on July 5, 2017.

Notary Public, State of Iowa.

This Order is approved by the Board on July 20, 2017.

A handwritten signature in black ink, appearing to read "K. Ulveling" with a stylized flourish at the end.

Kyle G. Ulveling, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686