

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF A STATEMENT OF CHARGES AGAINST

SRIDHAR YARATHA, M.D., RESPONDENT

File Nos.02-03-770 & 02-03-354

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STATEMENT OF CHARGES,

**SETTLEMENT AGREEMENT and FINAL ORDER
(combined)**

COMES NOW the Iowa Board of Medical Examiners (the Board), and Sridhar Yaratha, M.D. (Respondent), on October 7, 2004, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued license number 34260 to practice medicine and surgery in Iowa on July 25, 2001.
2. Respondent's Iowa medical license is current and will next expire on November 1, 2005.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged pursuant to Iowa Code section 148.6(2)(i) (2003) and 653 IAC 12.3(7) and 12.4(34) with the willful or repeated violation of a lawful rule or regulation of the Board and/or failure to comply with a lawful order of the Board when he failed to comply with an Evaluation Order issued by the Board.

COUNT II

5. Respondent is charged under section 148.6(2)(d) of the 2001 Code of Iowa with being disciplined by the medical licensing authority of another state.

COUNT III

6. Respondent, a psychiatrist, is charged under Iowa Code section 147.55(3) (2003) and 653 IAC sections 12.4(3) and 12.4(36) with engaging in unethical or unprofessional conduct and/or practice harmful or detrimental to the public when he engaged in an inappropriate sexual relationship with a psychiatric patient in violation of appropriate physician-patient boundaries.

CIRCUMSTANCES

7. On or about March 12, 2003, Respondent reported a potential substance abuse impairment to the Iowa Physician Health Program (IPHP). Respondent reported that he had been arrested for Driving Under the Influence of Drugs or Alcohol on November 20, 2002.

8. On or about April 22, 2003, Respondent entered into an Initial Agreement with the IPHP and he agreed to comply with the terms and conditions established in the Initial Agreement.

9. On or about October 31, 2003, the IPHP voted to refer Respondent to the Board for consideration after concluding that Respondent failed to comply with the terms of the Initial Agreement, including but not limited to the following:

- A. Respondent failed to sign and return a Monitoring Agreement to the IPHP in a timely manner in violation of the terms of the Initial Agreement;
- B. Respondent consumed alcohol in violation of the terms of the Initial Agreement; and
- C. Respondent failed to submit to urine analysis drug tests when required to do so in violation of the terms of the Initial Agreement.

10. On December 10, 2003, based on the information above, and pursuant to the provisions of Iowa Code section 148.6(2)(h)(2003), the Board issued an Evaluation Order directing that Respondent successfully complete a comprehensive physical, neuropsychological and substance abuse evaluation under the direction of Professional Recovery Network, (PRN), Waukesha, Wisconsin, within 30 days and cause a copy of the report of said evaluation to be forwarded to the Board directly from the evaluation program upon completion of the evaluation.

11. Respondent failed to complete the comprehensive physical, neuropsychological and substance abuse evaluation in violation of the December 10, 2003, Evaluation Order.

12. On August 19, 2004, Respondent entered into a Consent Order with the West Virginia Board of Medicine. A complaint was filed by a former psychiatric patient against Respondent alleging Respondent engaged in unprofessional conduct. Respondent voluntarily

surrendered his West Virginia medical license to resolve the pending investigation and he agreed not to apply for a West Virginia medical license at any time in the future.

13. Respondent, a psychiatrist, inappropriately engaged in a sexual and/or romantic relationship with a patient.

SETTLEMENT AGREEMENT

14. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating a lawful order of the Board, for being disciplined by the licensing authority of another state and for inappropriately engaging in a sexual and/or romantic relationship with a patient in violation of professional physician-patient boundaries. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including revocation of your Iowa medical license.

15. **CIVIL PENALTY:** Respondent shall be assessed a civil penalty in the amount of **\$10,000**. The civil penalty shall be made payable to the Treasurer of Iowa, and mailed to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

16. **INDEFINITE SUSPENSION:** Immediately upon the Board's approval of this Settlement Agreement and Final Order, Respondent's Iowa medical license shall be **indefinitely suspended**. Respondent voluntarily discontinued the practice of medicine under his Iowa medical license from September 23, 2003, to the present. The Board will not consider reinstatement of Respondent's Iowa medical license for **at least nine (9) months** from the date of this Order.

17. **APPLICATION FOR REINSTATEMENT:** The Board will consider reinstatement of Respondent's Iowa medical license only upon submission of an Application for Reinstatement and a reinstatement hearing pursuant to Iowa Code chapters 17A, 147, 148 and 272C and 653 IAC 12.40 or a Reinstatement Agreement.

A. **Comprehensive Physical, Neuropsychological and Substance Abuse Evaluation:** Prior to seeking reinstatement of his Iowa medical license, Respondent must successfully complete a Board-approved comprehensive physical, neuropsychological and substance abuse evaluation and submit a recommendation from the program that he is safe to practice medicine. Respondent shall fully comply with all recommendations of the Board-approved evaluation program.

B. **Comprehensive Sexual Misconduct Evaluation:** Prior to seeking reinstatement of his Iowa medical license, Respondent must successfully complete a comprehensive sexual misconduct evaluation at Behavioral Medicine Institute (BMI) in Atlanta, Georgia, and submit a recommendation that he is safe to practice medicine. Respondent shall fully comply with all recommendations made by BMI.

18. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

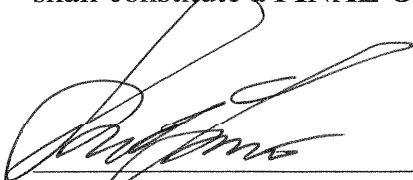
19. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, the Respondent voluntarily waives any rights to a contested case hearing on

the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

20. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

21. This combined Statement of Charges, Settlement Agreement and Final 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.

22. The Board's approval of this Statement of Charges and Settlement agreement shall constitute a **FINAL ORDER** of the Board.



Sridhar Yaratha, M.D., Respondent

Acknowledged before me
this 24th of Sept 2004
Kimberly H. Caldwell
My commission expires
8-12-2008

Subscribed and sworn to before me on 24th of Sept., 2004.

Notary Public, State of North Carolina.

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on October 7, 2004.


Bruce L. Hughes, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF A STATEMENT OF CHARGES AGAINST

SRIDHAR YARATHA, M.D., RESPONDENT

File No. 02-03-770

.....

WITHDRAWAL OF STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medical Examiners (the Board), on October 7, 2004, and files this Withdrawal of Statement of Charges in this matter.

1. Respondent was issued license number 34260 to practice medicine and surgery in Iowa on July 25, 2001.
2. Respondent's Iowa medical license is current and will next expire on November 1, 2005.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. On February 17, 2004, the Board filed charges against Respondent's Iowa medical license for violating the laws and rules of the Board. Respondent failed complete a substance abuse evaluation as ordered by the Board and he failed to sign a Monitoring Agreement, failed to comply with the drug screening program and consumed alcohol in violation of his Iowa Physician IHealth Program Initial Agreement.


5. The Board learned that Respondent, a psychiatrist, inappropriately engaged in a sexual and/or romantic relationship with a patient.

6. Additionally, Respondent entered into a Consent Order with the West Virginia Board of Medicine on August 19, 2004. A complaint was filed by a former psychiatric patient against Respondent alleging Respondent engaged in unprofessional conduct. Respondent voluntarily surrendered his West Virginia medical license to resolve the pending investigation and he agreed not to apply for a West Virginia medical license at any time in the future.

7. On September 24, 2004, Respondent agreed to enter into a combined Statement of Charges, Settlement Agreement and Final Order with the Board to resolve all current allegations.

8. On October 7, 2004, the Board voted to withdraw the February 17, 2004, Statement of Charges and accept the signed combined Statement of Charges, Settlement Agreement and Final Order.

THEREFORE, the Statement of Charges filed in this matter on February 7, 2004, are hereby withdrawn.



Bruce L. Hughes, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686

October 7, 2004
Date

BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF IOWA

IN THE MATTER OF THE) DIA NO. 04DPHMB005
STATEMENT OF CHARGES AGAINST) CASE NO. 02-03-770
)
SRIDHAR YARATHA, M.D.) PROPOSED RULING DENYING
) MOTION TO AMEND STATEMENT OF
Respondent	CHARGES

On February 17, 2004, the Iowa Board of Medical Examiners (Board) filed a Statement of Charges alleging that Sridhar Yaratha, M.D. (Respondent):

Count I: Willfully or repeatedly violated a lawful order of the Board, in violation of Iowa Code section 148.6(2)(i)(2003) and 653 IAC 12.3(7) and 12.4(34).

Count II: Is habitually intoxicated or addicted to the use of drugs and is unable to practice medicine and surgery with reasonable skill and safety due to the excessive use of drugs or alcohol, in violation of Iowa Code section 148.6(2)(h)(2003) and 653 IAC 12.4(4) and 12.4(5).

The factual Circumstances cited in the Statement of Charges describe the Respondent's March 12, 2003 self-report of a potential substance abuse impairment to the Iowa Physician Health Program (IPHP), his October 31, 2003 referral to the Board for failures to comply with his initial agreement with the IPHP, and his failure to comply with a Board ordered comprehensive physical, neuropsychological and substance abuse evaluation under the direction of PRN in Waukesha, Wisconsin.

The hearing was originally scheduled for April 14, 2004, but has been continued to July 6, 2004 at 9:30 a.m. On May 27, 2004, the state of Iowa filed a Motion To Amend Statement of Charges requesting the addition of the following count to the Statement of Charges:

Count III: Respondent is charged under Iowa Code section 147.55(3)(2003) and 653 IAC section 12.4(3) with engaging in unprofessional or unethical conduct and/or practice harmful or detrimental to the public when he violated appropriate professional physician/patient boundaries.

The state also asks for an amendment to the "Circumstances" to add the following paragraph 10:

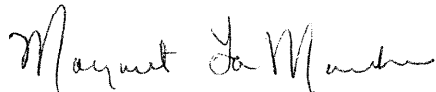
10. Respondent, a psychiatrist, inappropriately engaged in a sexual and/or romantic relationship with a patient.

The state argues that the Iowa Supreme Court allowed a similar amendment to the statement of charges in the case of Rosen v. Board of Medical Examiners, 539 N.W.2d 345 (Iowa 1996). The state further argues that it is in the interests of justice to allow the amendment because the new allegations involve additional and very serious charges which affect the public's health and welfare, because there is a sufficient time to prepare a defense, and because it would be unnecessary duplication of time and resources of both parties and the Board to require a separate proceeding. The state notes that the West Virginia Board of Medical Examiners is investigating the same allegations, and the Respondent has filed a response with that Board.

The Respondent filed a resistance to the state's motion on June 7, 2004, and it was referred to the undersigned administrative law judge for ruling. The Respondent points out that the proposed amendment is dissimilar from the Rosen case, where the amendment only enlarged the factual basis for the original legal charge. This proposed amendment is different because it raises a new legal issue, and the factual basis for the new charge is unrelated to the charges in the pending case. In addition, it should be noted that in the Rosen case, the license offered all of the evidence pertinent to the amended charge. Id. at 349. The Respondent denies that there is sufficient time for him to prepare a defense prior to the July 6, 2004 hearing and further states that preparation of a defense would likely require him to locate documentation created during his residency in West Virginia and perhaps engage witnesses in West Virginia.

When the new charges are factually and legally unrelated to the pending charges, the interest in administrative economy or efficiency is lessened, and the licensee's due process interests of notice and opportunity to prepare a defense are heightened. While the additional charges are very serious, the licensing board in the state where they occurred is currently investigating them. The state of Iowa is also able to pursue the charges through a separate disciplinary proceeding. IT IS THEREFORE ORDERED that the Motion to Amend the Statement of Charges, filed on May 27, 2004, is hereby DENIED.

Dated this 10th day of June, 2004.



Margaret LaMarche
Administrative Law Judge
Iowa Department of Inspections and Appeals
Administrative Hearings Division
Lucas State Office Building-Third Floor
Des Moines, Iowa 50319

For the Iowa Board of Medical Examiners

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BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF A STATEMENT OF CHARGES AGAINST

SRIDHAR YARATHA, M.D., RESPONDENT

File No. 02-03-770

.....

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medical Examiners (the Board), on February 17, 2004, and files this Statement of Charges against Sridhar Yaratha, M.D., (Respondent), a physician licensed pursuant to Chapter 147 of the 2003 Code of Iowa and alleges:

1. Respondent was issued license number 34260 to practice medicine and surgery in Iowa on July 25, 2001.
2. Respondent's Iowa medical license is current and will next expire on November 1, 2005.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged pursuant to section 148.6(2)(i) of the Code of Iowa (2003) and 653 IAC 12.3(7) and 12.4(34) with the willful or repeated violation of a lawful rule or regulation of the Board.

COUNT II

5. Respondent is charged under Iowa Code section 148.6(2)(h) (2003) and 653 IAC sections 12.4 (4) and 12.4 (5) with habitual intoxication or addiction to the use of drugs and the inability to practice medicine and surgery with reasonable skill and safety due to the excessive use of drugs or alcohol.

CIRCUMSTANCES

6. On or about March 12, 2003, Respondent reported a potential substance abuse impairment to the Iowa Physician Health Program (IPHP). Respondent reported that he had been arrested for Driving Under the Influence of Drugs or Alcohol on November 20, 2002.

7. On or about April 22, 2003, Respondent entered into an Initial Agreement with the IPHP and he agreed to comply with the terms and conditions established in the Initial Agreement.

8. On or about October 31, 2003, the IPHP voted to refer Respondent to the Board for consideration after concluding that Respondent failed to comply with the terms of the Initial Agreement, including but not limited to the following:

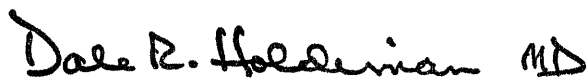
- A. Respondent failed to sign and return a Monitoring Agreement to the IPHP in a timely manner in violation of the terms of the Initial Agreement;

- B. Respondent consumed alcohol in violation of the terms of the Initial Agreement; and
- C. Respondent failed to submit to urine analysis drug tests when required to do so in violation of the terms of the Initial Agreement.

9. On December 10, 2003, based on the information above, and pursuant to the provisions of Iowa Code section 148.6(2)(h)(2003), the Board issued an Evaluation Order directing that Respondent successfully complete a comprehensive physical, neuropsychological and substance abuse evaluation under the direction of Professional Recovery Network, (PRN), Waukesha, Wisconsin, within 30 days and cause a copy of the report of said evaluation to be forwarded to the Board directly from the evaluation program upon completion of the evaluation.

10. Respondent failed to complete the comprehensive physical, neuropsychological and substance abuse evaluation in violation of the Evaluation Order dated December 10, 2003.

On this the 17th day of February, 2004, the Iowa Board of Medical Examiners finds cause to file this Statement of Charges.



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