

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : ORDER
DALLAS E. SMITH, M.D. : 02-91-235
RESPONDENT :

NOW on September 4, 1991, the above
entitled matter having been filed with the Director of Public
Health, of the State of Iowa, and the said Director of Public
Health having reviewed the file and being fully advised in the
premises FINDS:

1. That Dallas E. Smith, M.D. (hereafter the Respondent),
was issued a license to practice medicine and surgery, on August
9, 1985, as evidenced by certificate number 25087, which is
recorded in the permanent records in the office of the Iowa State
Board of Medical Examiners (hereafter the Board).

2. That a Complaint and Statement of Charges was filed
against the Respondent, on June 27, 1991, and was scheduled to be
heard before the Board.

3. That the Board has jurisdiction of the parties and the
subject matter herein.


4. That the Director of Public Health is authorized to
enter an order herein under the provisions of sections 148.6(1)
and 148.7(7), of the 1991 Code of Iowa and rule 653-12.50(31), of
the Iowa Administrative Code.

5. That pursuant to the provisions of sections 17A.10 and

258A.3(4) of the 1981 Code of Iowa, the Respondent and the Board have entered into an Informal Settlement providing that the undersigned should enter an Order imposing discipline against the Respondent.

THEREFORE IT IS HEREBY ORDERED that the Respondent, pay a civil penalty in the amount of \$250, on or before December 31, 1991, by delivering to the Executive Director, of the Board, a check or money order, payable to the Treasurer of the state of Iowa. Said civil penalty shall be deposited into the state general fund.

IT IS FURTHER ORDERED that the Respondent shall receive a letter of warning.



Christopher G. Atchison, Director
Iowa Department of Public Health
Robert Lucas State Office Building
Des Moines, IA 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT) AND STATEMENT OF CHARGES AGAINST) DALLAS E. SMITH, M.D.,) RESPONDENT.)	INFORMAL SETTLEMENT 02-91-235
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COME NOW the Iowa Board of Medical Examiners (the Board) and Dallas E. Smith, M.D. (Respondent) and, pursuant to Iowa Code §§ 17A.10 and 258A.3(4), enter into the following Informal Settlement of the contested case currently on file:

1. The Respondent was issued license number 25087 to practice medicine and surgery in the state of Iowa on August 9, 1985, as recorded in the permanent records in the office of the Board.

2. A Complaint and Statement of Charges was filed against the Respondent on June 27, 1991. At that time, Respondent's license had lapsed and was invalid due to a 1988 expiration and non-renewal. Respondent subsequently sought license renewal.

3. The Board has jurisdiction of the parties and the subject matter.

4. On or by December 31, 1991, Respondent shall pay a civil penalty in the amount of \$250, by delivering a check made payable to the Treasurer of Iowa to the Executive Director of the Board. The check shall be deposited into the general fund.

5. Respondent accepts the attached letter of warning.

6. This Informal Settlement is subject to approval of the Board. If the Board fails to approve this Informal Settlement, it shall be of no force or effect to either party.

7. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration.

Dallas E. Smith, MD
DALLAS E. SMITH, M.D.

Signed and sworn to before me this 17th day of August,
1991.



Nancy Watkins
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

8. This Informal Settlement is accepted by the Iowa Board of Medical Examiners on this 26th day of August,
1991.

C. L. Peterson D.O.
C. L. Peterson, D.O., Chairman
Iowa Board of Medical Examiners

Signed and sworn to before me this 3rd day of Sept,
1991.

Dennis Carr
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : COMPLAINT AND STATEMENT
DALLAS E. SMITH, M.D. : OF CHARGES
RESPONDENT : 02-91-235

* * * * *

COMES NOW William S. Vanderpool, Executive Director of the Iowa State Board of Medical Examiners (hereafter the Board), on June 27, 1991, and at the direction of the Board, files this Complaint and Statement of Charges against Dallas E. Smith, M.D., (hereafter the Respondent), a physician licensed pursuant to Chapter 147, Code of Iowa and alleges:

1. That Christopher G. Atchison is the duly appointed and qualified Director of Public Health of the State of Iowa.
2. That C. L. Peterson, D.O., Chairman; John Olds, M.D., Vice Chairman; Edra Broich, Secretary; Charlotte Cleavenger, D.O.; Donna Drees, M.D.; Ann O'Neill; Emmett Mathiasen, M.D.; George Spellman, M.D. and Robert B. Stickler, M.D., are the duly appointed and qualified officers and members of the Board.
3. That the Respondent is a resident of Jefferson County, Iowa and was issued license number 25087 to practice medicine and surgery in the State of Iowa on August 9, 1985, as recorded in the permanent records in the office of the Board.

4. That the Respondent's license is currently invalid due to expiration and non-renewal.

5. That the Respondent's license expired on August 1, 1988 and pursuant to rule 653-11.30(1) of the Iowa Administrative Code, on December 1, 1988, the Respondent's license lapsed and became invalid for practice.

6. That in violation of the provisions of rule 653-11.30(1) of the Iowa Administrative Code, from December 1, 1988 until April 10, 1991, while his license was invalid for practicing medicine and surgery, the Respondent continued to practice medicine and surgery.

7. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 148.6(1), and 148.6(1)(i) of the 1991 Code of Iowa which state in whole or part:

148.6(1) - "The medical examiners, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, chapter 258A, or this subsection...

"Pursuant to this section, the board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:"

148.6(1)(i) - "... [R]epeated ...violation of lawful rule or regulation adopted by the Board..."

8. That the Board is authorized to take disciplinary action against the Respondent pursuant to rules 653-12.4, 653-

12.4(15) and 653-12.4(28) of the Iowa Administrative Code which state in whole or in part:

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(15) - "... [R]epeated...violation of lawful rule or regulation adopted by the board."

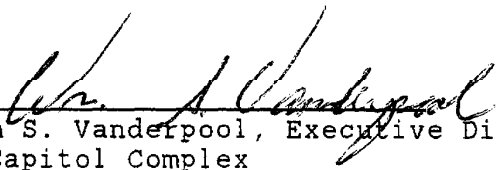
653-12.4(28) - "Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections...148.6."

9. That paragraphs 7 and 8 constitute grounds for the Board to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent, on August 9, 1985.

WHEREFORE the undersigned charges that the Respondent is subject to a disciplinary action pursuant to the provisions of section 148.6(1) and 148.6(1)(i) of the 1991 Code of Iowa and rules 653-12.4, 653-12.4(15) and 653-12.4(28) of the Iowa Administrative Code. The undersigned prays that the Board enter an order fixing a time and place of hearing for the Complaint and Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent on August 9, 1985,

and for such other relief as the Board deems just in the premises.

IOWA BOARD OF MEDICAL EXAMINERS



William S. Vanderpool, Executive Director
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Des Moines, Iowa 50319
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