



5. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order. Respondent agrees that the State's counsel may present this agreement to the Board and may have ex parte communication with the Board while presenting it.

6. This agreement is subject to approval by the Board. If the Board approves this agreement, it becomes the final disposition of this matter. If the Board fails to approve this agreement, it shall be of no force or effect to either party.

7. This agreement shall be part of the Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

8. In the event Respondent violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

9. This Settlement Agreement and Final Order is a public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code chapter 22 and 272C.

10. The Board's approval of this Settlement Agreement shall constitute a FINAL ORDER of the Board.

**IT IS THEREFORE ORDERED:**

11. Respondent is hereby CITED with failure to conform to the minimum standard of acceptable and prevailing practice relating to the identification of the appropriate area of surgery, and WARNED that his failure in the future to comply with the laws governing the practice of

podiatry in Iowa could result in further discipline against his Iowa license, including suspension or revocation.

12. Respondent shall submit to the Board within thirty days of the date of this Order a written plan of action outlining the steps he has taken to assure no further incident of wrong-sided surgeries in his practice.

13. Respondent shall complete twelve (12) hours of continuing education that is applicable to ethics and/or medical documentation within six (6) months of the date of this Order, and continuing education obtained may not be used for future license renewal. Respondent must obtain Board approval before enrolling in any course taken for the purpose of satisfying this obligation.

14. Respondent shall be assessed a civil penalty in the amount of \$500. The civil penalty shall be made payable to the Iowa Board of Podiatry, and mailed to the administrator of the Board within ninety days of the date of this Order. The civil penalty shall be deposited into the State General Fund.

**This settlement agreement and final order is approved by the board on April 8, 2009.**