

BEFORE IOWA BOARD OF PODIATRY

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IN THE MATTER OF ) NO. 10-012  
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**John Redenius, DPM** ) **NOTICE OF HEARING**  
 ) **AND STATEMENT OF CHARGES**  
Respondent. )

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COMES NOW the Iowa Board of Podiatry (Board) and hereby files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent was issued license number 00322 to practice podiatric medicine in the state of Iowa on July 2, 1973. Respondent's license is active, and will expire on June 30, 2012. Respondent's address as reported to the Board is 123 Plaza Circle, Waterloo IA 50701.

**A. TIME, PLACE AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on **October 14, 2011** before the Board of Podiatry. The hearing shall begin at 9 a.m. and shall be located in the Lucas State Office Building, 321 E 12<sup>th</sup> St, 5<sup>th</sup> Floor Board Room #526 , Des Moines, Iowa.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 IAC 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Board of Podiatry, 5<sup>th</sup> Floor, Lucas State Office Building, 321 East 12<sup>th</sup> Street, Des Moines, Iowa, 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and

be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 641 IAC chapter 11. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 IAC 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 645 IAC 11.17.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: September Lau, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 149, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 149, and 272C and 645 IAC chapter 224.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 645 IAC 11.21.

## **C. SECTIONS OF STATUTES AND RULES INVOLVED**

### **Count I**

Respondent is charged pursuant to Iowa Code section 272C.10(2) and 645 IAC 224.2(2)(d) with “failure to conform with the minimal standard of acceptable and prevailing practice of a podiatrist in this state.”

### **Count II**

Respondent is charged pursuant to Iowa Code section 272C.10 and 645 IAC 224.2(13) with a “violation of a regulation or law of this state, another state, or the United States, which relates to the practice of the profession.”

### **Count III**

Respondent is charged pursuant to Iowa Code section 272C.10 and 645 IAC 224.2(29)(c) with betrayal of a professional confidence.

### **Count IV**

Respondent is charged pursuant to Iowa Code section 272C.10, and 645 IAC

224.2(20) and 645 IAC 15.7 with failure to comply with the terms of a Board order.

#### **D. FACTUAL CIRCUMSTANCES**

1. Respondent is the sole proprietor of Black Hawk Podiatry. He operates an office at 123 Plaza Circle, Waterloo, Iowa 50701 (Waterloo Office). He operates another office at 210 Main Street, Iowa Falls, Iowa 50126 (Iowa Falls Office).

##### **As pertains to Count I:**

2. The Board received a complaint against Respondent from a patient scheduled to be seen at Respondent's Waterloo office. The complaint alleged that the office and examining rooms were in disrepair, very dirty to the extent of seeming unsanitary, and filled with clutter. The patient did not stay to be seen.

3. On March 3, 2011, an investigator made an unannounced visit to Respondent's Waterloo Office. The inspector noted

*a.* numerous stains on ceiling tiles, lighting fixtures and walls. The stains ranged from yellow/brown to black and white. The stains appeared to be from water leaking through the roof;

*b.* a large plastic garbage container filled partially with water from the dripping ceiling; missing, hanging, and/or yellow— and brown— stained ceiling tiles, lighting fixtures, and walls;

*c.* a "basketball-sized" hole in the ceiling;

*d.* dried tar spattered in an unused surgery room.

*e.* extreme paper clutter in the reception area;

*f.* nail clippings, debris and dust on equipment and the floor;

*g.* expired cleaning products;

- h.* rusty instruments;
- i.* expired medications and ointments;
- j.* debris floating in the sanitizing tray;
- k.* overflowing garbage pails;
- l.* used sandpaper bands still on podiatry drills;
- m.* used supplies intermixed with unpackaged, unused supplies;
- n.* a foul odor;
- o.* dirty-appearing lab coats; and that
- p.* “The office was extremely cluttered with boxes, collectibles,

antiques, plants, paperwork, books, magazines, etc. These materials were stacked high and lined the hallways, the closet, x-ray closet, two exam rooms, desk area, and [Respondent’s] personal office;”

4. On March 22, 2011, two investigators made an unannounced visit to Respondent’s Iowa Falls Office. The investigators noted the following:

- a.* disorganized supply drawers with miscellaneous, non-sanitized items mixed in with podiatry supplies (such as toe cushions and gauze);
- b.* Rusty instruments;
- c.* Unlabeled medicine containers and expired medicines and supplies;
- d.* scattered nail clippings;
- e.* “water-like” stains on the floorboards, walls, carpet, and ceilings;
- f.* much dust and cobwebs;
- g.* a bathroom with unclean facilities.

**As pertains to Counts II & III**

5. 45 Code of Federal Regulations section 164.502 prohibits health care providers from disclosing individually identifiable health information.

6. The Investigator who visited Respondent's Waterloo office on March 3, 2011, noted that a "names of debtors" list hangs in plain sight in the office. The list contains patient names. Patient insurance information is also readily visible on or near this list.

7. At Respondent's Iowa Falls Office, Investigators were able to observe patient names, addresses and a patient file in plain sight in an area where visitors might see it.

#### **As Pertains to Count IV**

8. On or about June 7, 2011, the Board issued a Confidential Order for Evaluation to Respondent pursuant to 645 IAC 4.15.

9. According to the terms of that Order for Evaluation, Respondent was to submit to a comprehensive mental health evaluation within 60 days of the date of the Order, and to submit an evaluation report to the Board no later than August 30, 2011.

10. Respondent has had no communication with the Board regarding this Order for Evaluation.

#### **E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC chapter 12. If you are interested in pursuing settlement of this matter, please contact September Lau, Assistant Attorney General, at (515) 281-7175.

#### **F. PROBABLE CAUSE FINDING**

On this 30th day of September, 2011, the Iowa Board of Podiatry found probable cause to file this Notice of Hearing and Statement of Charges.