

BEFORE THE IOWA BOARD OF PODIATRY

IN THE MATTER OF)	No. 10-012
)	
John Redenius, DPM,)	EMERGENCY
)	ADJUDICATIVE ORDER
Respondent.)	

Comes now the Iowa Board of Podiatry (Board), on this 30th day of September, 2011, and finds it was presented with evidence which establishes that Respondent's continued practice as a podiatrist constitutes an immediate danger to the public health, safety, and welfare. A summary of the evidence obtained by the Board is as follows:

FINDINGS OF FACT

1. The Board has jurisdiction over this matter pursuant to Iowa Code Chapters 147, 149, and 272C.
2. Respondent was issued license number 00322 to practice as a podiatrist in the state of Iowa on July 2, 1973. The license is current through June 30, 2012.
3. Respondent is a podiatrist, and is the sole proprietor of Black Hawk Podiatry. He operates an office at 123 Plaza Circle, Waterloo, Iowa (Waterloo Office). He operates another office at 210 Main Street, Iowa Falls, Iowa (Iowa Falls Office).
4. 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.
5. On March 16, March 22, and March 23, 2011, Board investigators made unannounced visits to Respondent's Waterloo and Iowa Falls Offices and made observations consistent with those of the complainant. Of note, they observed
 - An unrepaired leaking roof causing pooled water and wet ceiling tiles;
 - Extreme clutter (consisting of boxes, collectibles/antiques, plants, paperwork, books, magazine's, etc.) in high stacks, lining the walls of rooms. Respondent also keeps a gun collection including ammunition at the Waterloo Office;
 - Near complete lack of organization of supplies (including segregating clean/sanitized from dirty/non-sanitized);

- clippings;
- Furniture and equipment covered in dust, cobwebs and/or old nail
 - a foul odor;
 - Unlabeled medicine containers and expired medicines and supplies;
 - Nonfunctional smoke detectors and expired fire extinguishers;
 - An overflowing garbage pail;
 - Lab coats with stains.

6. The Board investigator was “extremely concerned” about the office conditions. Respondent did not appear to be concerned, and requested guidance as to what needed to be fixed.

7. Because of the above-listed facts, on or about June 7, 2011, the Board issued a Confidential Order for Evaluation to Respondent pursuant to 645 IAC 4.15. According to that Order’s terms, Respondent was to submit to a comprehensive mental health evaluation within 60 days of the date of that Order, and to submit a report regarding the evaluation to the Board no later than August 30, 2011.

8. As of September 28, 2011, the Board has received no correspondence from Respondent regarding the Order for Evaluation.

9. Respondent’s offices are unsanitary and potentially unsafe for patients.

10. Respondent has failed to correct the deficiencies in his housekeeping, and has failed to cooperate with the Board in assessing Respondent’s competence, judgment and decision-making faculties.

CONCLUSIONS OF LAW

11. In a contested case proceeding, if sufficient evidence is presented to prove an allegation and the Board finds the action constitutes a violation, the Board has the authority to impose disciplinary sanctions including civil penalty, additional educational training, probation, suspension, or revocation of a license. 645 Iowa Administrative Code 13.1.

12. However, in an emergency adjudicative order, “[a]n agency may only take such action as is necessary to prevent or avoid the immediate danger to the public, health, safety, or welfare that justifies use of emergency adjudication.” Iowa Code § 17A.18A(2).

13. “Before issuing an emergency adjudicative order, the board shall consider whether there has been a sufficient factual investigation to ensure that the board is proceeding on the basis of reliable information, whether the specific circumstances which pose immediate danger to the public health, safety or welfare have been identified and determined to be continuing, whether the person required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety or welfare, whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety or welfare, and whether the specific action contemplated by the board is necessary to avoid the immediate danger.” 645 Iowa Administrative Code 11.28(2).

14. The facts set forth above relating to the state of Respondent’s offices establish that Respondent is in violation of 645 Iowa Administrative Code 224.2(2)(d) in that Respondent has failed to conform with the minimal standard of acceptable and prevailing practice of a podiatrist in this state.

15. The Board concludes that the observations of Board investigators on multiple occasions about the state of Respondent’s office, consistent with the information provided on the original complaint, constitute sufficient factual investigation to ensure that the Board is proceeding on the basis of reliable information.

16. The Board concludes that the facts set forth above identify specific, continuing circumstances which pose immediate danger to the public health, safety or welfare. The facts set forth above show that Respondent’s patients are being exposed to an unsanitary and unsafe treatment environment.

17. The Board concludes that, because Respondent’s offices are the locations where all of his podiatry services are performed, his failure to keep those offices in conformity with the minimal standard of acceptable practice affects all aspects of Respondent’s podiatry practice. In addition, his inability to keep his offices in reasonable condition raises serious and immediate concerns about Respondent’s judgment.

18. The Board has attempted to address these concerns with a Confidential Order for Evaluation, and Respondent has not complied. No interim safeguards or monitoring are available. Therefore, the Board finds that an immediate suspension of Respondent’s license to practice podiatry is necessary to avoid immediate danger to Respondent’s patients.

ORDER

IT IS HEREBY ORDERED, in accordance with Iowa Code Section 17A.18A and 645 Iowa Administrative Code 11.28, that Respondent’s license shall be immediately and indefinitely suspended until such time as Respondent can affirmatively demonstrate an ability to maintain a safe and sanitary treatment environment.

A hearing on this Emergency Adjudicative Order shall be held on October 14, 2011. The hearing will begin at 9:00 a.m., and will be held at the following location:

Iowa Department of Public Health, Lucas State Office Building, Room 526, 321 East 12th Street, Des Moines Iowa 50319-0075.

This Emergency Adjudicative Order was approved by the Board this 30th day of September, 2011.