

IOWA BOARD OF CHIROPRACTIC EXAMINERS

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IN THE MATTER OF: ) CASE NO. 00-004, 00-005  
VERNON J. ADLFINGER, D.C. ) DIA NO. 01DPHCB001  
RESPONDENT ) FINDINGS OF FACT,  
 ) CONCLUSIONS OF LAW,  
 ) DECISION AND ORDER

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TO: VERNON J. ADLFINGER, D.C.

On March 30, 2001, the Iowa Board of Chiropractic Examiners (Board) filed a Statement of Charges against Vernon J. Adlfinger, D.C., (Respondent) alleging:

Count I: Violation of Iowa Code sections 151.9(2), 147.55(2), 272C.3(2)(a) and (b), 272C.4(6), 272C.10(2) and 645 IAC 44.1(2)(b), (c), (d), and (e); 645 IAC 44.1(8), 44.1(12), and 40.24(2) for his repeated failure to prepare and retain adequate records;

Count II: Violation of Iowa Code sections 151.9(3), 147.55(3), 272C.10(3) and 645 IAC 40.24(1), (2) and (5) and 645 IAC 44.1(3)(a) and (b) for misleading, deceptive, or untrue testimony or fraudulent misrepresentations at a civil trial.

A Notice of Hearing was issued, which scheduled the hearing for July 25, 2001. The hearing was continued twice. The hearing was held on December 19, 2001 at 9:00 a.m. at the Lucas State Office Building, Fifth Floor Conference Room, Des Moines, Iowa. The Respondent appeared and was represented by his counsel, Matthew Nagle. The state of Iowa was represented by Cristina Kuhn, Assistant Attorney General.

The following Board members were present for the hearing: Dr. Elizabeth C. Kressin, D.C., Chairperson; Dr. Valorie J. Prah, D.C.; Dr. Thomas Stanzel, D.C.; Dr. Steven Kraus, D.C.; Dr. Rodney R. Rebarcek, D.C.; and Charles Follett and Pat A. Hastings, public members. The hearing was closed to the public, at the Respondent's request, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, assisted the Board in conducting the hearing, and was instructed to

prepare the Board's Findings of Fact, Conclusions of Law, Decision and Order, in conformance with their deliberations.

### **THE RECORD**

The record includes the Statement of Charges, Notice of Hearing, Orders Rescheduling Hearing, State's Request for Prehearing Conference, Order Setting Prehearing Conference, the testimony of the witnesses, and the following exhibits:

- State Exhibit A: Statement of Charges
- State Exhibit B: Notice of Hearing and Service
- State Exhibit C: Complaint, CH 00-004
- State Exhibit D: Investigative Report, CH00-004, 10/9/00
- State Exhibit E: Investigative Report, CH00-004, 1/9/01
- State Exhibit F: Partial Trial Transcript, Fayette County District Case No. 048088
- State Exhibit G: Complaint CH 00-005
- State Exhibit H: Investigative Report, CH 00-005
- State Exhibit I: Statement of Charges, CH 96-011
- State Exhibit J: Settlement Agreement, CH 96-001
- State Exhibit K: Dr. Norton, D.C., Professional Vitae
- State Exhibit L: ICON Whole Health Patient Health Forms
- State Exhibit M: Applicable Administrative Rules
- Respondent Exhibit A: Defendant's Motion In Limine, Frye v. Bostrom's, Fayette County No. LACV048088
- Respondent Exhibit B: Ruling on Defendant's Motion In Limine
- Respondent Exhibit C: Sample records, 3/92

Respondent Exhibit D: Selected portions of trial transcript, Frye v. Bostrom's

Respondent Exhibit E: Updated patient records, 2001

Respondent Exhibit F: Respondent Curriculum Vitae

Respondent Exhibit G: MRI Report

### **FINDINGS OF FACT**

#### *Respondent's Practice and Disciplinary History*

1. The Respondent was originally issued license number 022-04178 to practice chiropractic in the state of Iowa on August 30, 1972. His license is current through June 2002. (State Exhibit E)

2. From 1972 until May 1993, the Respondent had a full-time clinical practice. Exhibit C is an example of the types of records maintained by the Respondent when he had a full time clinical practice. In May 1993, the Respondent was remodeling his chiropractic office when he amputated his left forearm with a saw. The arm was reattached, but the Respondent has only limited feeling and use of it. This injury has significantly impaired the Respondent's ability to practice chiropractic.

Approximately eight months after the injury, the Respondent sold his chiropractic practice and signed a five-year non-compete contract with the purchaser. The contract included an agreement that the Respondent could continue to treat his long-term patients but could not charge them for his services.

After examining his employment options, the Respondent decided to become a chiropractic consultant. He also continued to provide some chiropractic treatment to long-term patients, friends, and relatives at his home. The Respondent describes this practice as maintenance treatments only, primarily limited to the upper cervical spine. The Respondent also provides advice on exercise, nutrition, and the patient's condition. He does not treat patients who are involved in litigation, patients for whom treatment is a medical necessity, or patients with insurance.

Although the five-year non-compete contract has expired, the Respondent still elects not to charge his patients for services. He estimates that he has a couple dozen patients and that

excluding family, he sees about ten patients a month. (Testimony of Respondent; State Exhibit D)

3. On October 31, 1996, the Board filed a Statement of Charges against the Respondent, which alleged violations of the Board's rules governing chiropractic insurance consultants and the principles of chiropractic ethics. The Statement of Charges was resolved when the Respondent and the Board entered into a Stipulation and Informal Settlement Agreement on May 14, 1997. Pursuant to the terms of the Stipulation and Informal Settlement Agreement, the Respondent agreed to:

a. Complete a total of 100 hours of continuing education, pre-approved by the Board, in the areas of orthopedic and neurological testing, within two years from the execution of the agreement.

b. Complete a total of 100 hours of continuing education in the area of chiropractic consultation, pre-approved by the Board, within two years from the execution of the agreement.

c. At all times comply with the administrative rules governing chiropractic consultation, be actively engaged in the active practice of chiropractic, and provide an accurate description regarding his practice.

d. Accurately describe his membership in the Iowa Chiropractic Society, to accurately describe the diplomate he is pursuing, and to accurately describe the endorsement activities of the Council on Chiropractic Education.

(State Exhibits I, J)

Current Complaint-Inadequate Patient Records

4. In February 2000, the Board received additional complaints concerning the Respondent. On April 24, 2000, the Respondent was interviewed and described his practice to an investigator for the Board. When asked if he had records for his patients, the Respondent replied that he does not keep records because if he determines that the patient has a significant problem, he refers the patient. He further stated that he does not keep records because his patients are strictly maintenance and most have another chiropractor. (State Exhibits C, G, D-10 to D-11)

5. On January 4, 2001, the investigator returned to the Respondent's home with a subpoena for his patient records. The Respondent told the investigator that his only patient records were on 3x5 index cards. The investigator copied the index cards and provided them to the Board. (State Exhibit E)

6. The Respondent's medical records were reviewed by an expert for the state, Dr. Gregory Norton, D.C., and by his own expert witness, Dr. Joseph Ferezy, D.C. Both expert witnesses are experienced chiropractors with excellent credentials. The two expert witnesses practice in the same group practice in West Des Moines. The Board reviewed and considered the testimony of both experts. Their testimony was consistent in many respects. To the extent that they differed, the Board found Dr. Norton's assessment and conclusions regarding the Respondent's record keeping to be better reasoned and based on a more accurate picture of the Respondent's record keeping practices.

Both expert witnesses identified a variety of reasons why it is essential for the chiropractor to maintain adequate patient records. These include as a reminder to the chiropractor what services have been provided to the patient in the past, to document medical necessity for third party payors such as insurance companies, for the protection of the chiropractor in case of a malpractice claim, for clinical research purposes, and to document past condition and treatment of the patient in the event of referral to another chiropractor. The duty of care owed to the patient is the same regardless of whether the chiropractor accepts payment for services. Both experts agree that the Respondent's records would not meet the medical necessity criteria for insurance reimbursement.

While the amount of detail and the format used in chiropractic records varies, the records of the average chiropractic physician in Iowa generally includes subjective and objective information about the patient's complaint, an assessment, and a plan of treatment. It is also routine to obtain demographic or identifying information from the patient, which includes name, address, telephone number, and date of birth, as well as the patient's health history. This information is used to accurately identify the patient and to help formulate the assessment of the patient and a plan of care.

Record keeping is taught in all chiropractic colleges and is tested on the national examination for chiropractic physicians. Chiropractic physicians must meet minimal competency levels in record keeping in order to pass the examination. Exhibit L

contains the types of record keeping forms used by Dr. Norton in his clinical practice. These types of forms are commonly used by chiropractic physicians in Iowa. Dr. Ferezy uses similar types of forms in his practice. While the amount of detail in the record of each visit may vary, both expert witnesses agreed that at a very minimum, chiropractic records must include the date(s) of treatment and a description of the treatment provided on that date.

a. Dr. Norton concluded that the Respondent's records do not meet minimum standards of prevailing practice of chiropractic. In his opinion, these records do not contain sufficient detail to allow the Respondent to properly manage the health of the patients. Without additional subjective and objective information on the patients, an appropriate treatment plan cannot be formulated.

For example, none of the index cards contain dates when services were rendered to the patient or dates of follow up visits. Beyond a name, few records contain any vital statistics about the patient. There are no dates of birth, addresses or phone numbers to accurately identify the patient. Most of the records do not contain any health history of illnesses, allergies or medications. One of the patients, at Exhibit E, p. 19, has a history of cluster headaches, but the record contains none of the other patient history that would commonly be collected for such a patient. Most notably absent is any record of the medications taken by the patient. (Testimony of Dr. Gregory Norton, D.C.)

b. Dr. Ferezy has taught chiropractic courses, including courses in record keeping. The Respondent successfully completed a 300-hour course taught by Dr. Ferezy that ended in September 2001. The Respondent had a good reputation among the students in Dr. Ferezy's class. Record keeping was addressed during the course, but the specific section on record keeping was not covered.

Dr. Ferezy acknowledged that the Respondent's records do not contain certain information that he would always include, such as the patient's date of birth and the date(s) of service. He conceded that the Respondent's records are not consistent with those maintained by the average chiropractor in Iowa.

However, Dr. Ferezy felt that the Respondent's records were adequate, since he only treated a small number of long-term patients for maintenance purposes only, and did not seek any type of insurance payment. Since the Respondent had been able to provide a narrative report from his records on one patient (E-27 to E-28), Dr. Ferezy assumed that the records were sufficient to jog the Respondent's memory.

Dr. Ferezy made some assumptions about the Respondent's record keeping, which were not supported by the record in this case. Dr. Ferezy assumed that the Respondent filled out an index card at each patient visit, and that basic demographic information had been collected on these patients at earlier visits. The Respondent's records and the testimony do not support this assumption. (Testimony of Dr. Joseph Ferezy, D.C.)

7. Since the current Statement of Charges was filed, the Respondent has updated his patient records to include date(s) of treatment. (Testimony of Respondent; Respondent Exhibit E)

Misleading Statements; Unethical Conduct

8. In 1998, the Respondent was retained as a chiropractic consultant and expert witness in a civil lawsuit by attorney Chris Bruns, who represented the defendant, a grocery store. Prior to trial, Mr. Bruns filed a Motion in Limine, seeking to exclude evidence of the Board's prior charges against the Respondent and the resulting settlement agreement. The defendant's Motion in Limine was granted by the trial court on January 11, 1999. The court ruled that any probative value of the evidence was outweighed by its prejudice and the amount of time it would take to present. (Testimony of Chris Bruns; Respondent Exhibits A, B)

After the ruling was issued, the attorneys discussed its scope with the trial judge on the record. In response to a question from the plaintiff's attorney, the judge agreed that he would be allowed to ask the Respondent if he misrepresented his credentials in his current testimony.

Mr. Bruns explained the Court's ruling on the Motion in Limine to the Respondent prior to his testimony. Mr. Bruns told him that the attorneys and the witnesses were not allowed to mention the prior disciplinary proceeding before the Board and any violation of the ruling could result in a mistrial. Mr. Bruns told the Respondent that if he thought a question was asking for

information about the prior Board action he should wait for Mr. Bruns to object before answering. (Testimony of Chris Bruns; Benjamin Blackstock; Respondent Exhibits A, B, D)

9. At the trial, the Respondent gave the following responses to questions on cross-examination by plaintiff's counsel:

Q. Have you had a problem with not having proper qualifications to testify as a chiropractic consultant?

A. No, I have not.

Q. You have never had any problem with qualifications to testify as a chiropractic consultant, is that correct?

Q. I have always been able to testify as a chiropractic consultant.

Q. Have you ever been accused of misrepresenting your credentials to give expert testimony?

MR. BRUNS: Your honor, I'm going to object to that on the basis of my previous Motion in Limine.

MR. BLACKSTOCK: That's the very question I asked, your Honor.

THE COURT: Would you read back the last question, please?

(Whereupon, the reporter read back the last question)

THE COURT: Sustained.

(Testimony of Benjamin Blackstock; Chris Bruns; State Exhibit F-3 to F-4)

10. In the opinion of Benjamin Blackstock, the Respondent's testimony, quoted above, was misleading to the jury and evasive. Mr. Blackstock believed that the Respondent had been prohibited from testifying as a chiropractic consultant until he completed the continuing education ordered by the Board. Mr. Bruns did not feel that the testimony was misleading or deceptive because the Respondent has never been prohibited from testifying as a chiropractic consultant or expert witness. (Testimony of Benjamin Blackstock; Chris Bruns)

## **CONCLUSIONS OF LAW**

### **COUNT I**

#### *A. The Applicable Law*

Iowa Code section 151.9(2) provides that an entry to practice as a chiropractor may be revoked or suspended when the licensee is guilty of professional incompetency. Accord, Iowa Code sections 147.55(2); 272C.10(2). Board rule provides that the Board may impose any of the disciplinary sanctions set forth in rule 645-13.1(272C), including civil penalties in an amount not to exceed \$1,000, when the Board determines that the licensee is guilty of professional incompetence. 645 IAC 44.1(2).

Professional incompetence includes, but is not limited to:

...

b. A substantial deviation by the chiropractic physician from the standards of learning or skill ordinarily possessed and applied by other chiropractic physicians in the state of Iowa acting in the same or similar circumstances;

c. A failure by a chiropractic physician to exercise in a substantial respect that degree of care which is ordinarily exercised by the average chiropractic physician in the state of Iowa acting in the same or similar circumstances;

d. A willful or repeated departure from or failure to conform to the minimal standard of acceptable and prevailing practice of chiropractic in the state of Iowa.

e. Failure to maintain clinical and fiscal records in support of services rendered for a minimum of five years from one of the following dates as applicable. For the purposes of this rule, clinical records shall include all laboratory and diagnostic imaging studies.

(1) For an adult patient in an uncontested case, the last office visit;

...

645 IAC 44.1(2).

The Board may also discipline a licensee for willful or repeated departure from, or the failure to conform to, the chiropractic practice Acts or rules promulgated thereunder. An actual injury to a patient need not be established. 645 IAC 44.1(12).

#### *B. Analysis*

The preponderance of the evidence established that the Respondent violated Iowa Code sections 151.9(2), 147.55(2), and 272C.10(2) (professional incompetency), as defined by 645 IAC

44.1(2)"b", "d" and "e," when he failed to maintain minimally appropriate records for his patients. The only records maintained by the Respondent, 3" x 5" index cards with minimal notations, constituted a substantial deviation from the standards of learning and skill ordinarily possessed and applied by other chiropractic physicians in the state of Iowa acting under the same or similar circumstances and a repeated departure from or failure to conform to the minimal standard of acceptable and prevailing practice of chiropractic in the state of Iowa. In addition, the records, which were completely undated, could not satisfy the requirement that chiropractors maintain clinical and fiscal records in support of services rendered to adults for a minimum of five years from the date of the last office visit. The Respondent repeatedly violated these requirements, in violation of 645 IAC 44.1(8) and 44.1(12).

As established by the testimony of both expert witnesses, record keeping is an essential element in the competent practice of chiropractic. Appropriate record keeping is taught in all chiropractic colleges and is tested on the national examination. While there may be significant variation in the degree of detail contained in the records of average chiropractic physicians, certain minimal information must always be included, such as the date(s) services were provided and a description of the services provided. In addition, the patient record must contain sufficient demographic data to accurately identify the patient; neither expert witness could recall reviewing records of other chiropractors that did not include birth dates and addresses for patients. Finally, the records should include sufficient subjective and objective information about the patient so that the chiropractic physician can formulate and articulate a plan of treatment. The Respondent's only records for his patients were clearly inadequate in all respects.

The Respondent attempts to explain/excuse his scant records by stating that his patients are all long term, well known to him, and treated without charge, for maintenance only. Even if true, these circumstances do not excuse the chiropractor from maintaining proper records and conforming to minimum standards of practice. The Respondent's argument that his special circumstances excuse him from minimum standards is rejected.

The Respondent implies that he is able to recall far more information about the patient and the visits than he has recorded, but a record reconstructed from memory is not the equivalent of a written contemporaneous record. It is not as accurate or reliable, and will not be given equivalent weight,

if given any weight at all, in a legal forum. Moreover, the Respondent assumes that he will always be available to the patient and that his memory will remain sharp.

The Respondent asserts that he refuses to treat patients with acute injuries, legal claims, or insurance benefits. However, the Respondent cannot predict when or if his patients may need records of their chiropractic treatment for future legal claims or health care decision making.

Both experts and the Respondent agree that regardless of whether a fee is charged, a chiropractic physician owes the same standard of care to the patient. The Respondent, whose practice as a chiropractic consultant requires him to review and critique the records of other chiropractors and who has completed hundreds of hours of continuing education, should be well aware of the minimal standards of chiropractic applicable to record keeping. His limited clinical practice does not justify the failure to comply with minimal standards of record keeping.

## **COUNT II**

### *A. The Applicable Law*

Iowa Code section 151.9(3) provides that an entry to practice as a chiropractor may be revoked or suspended when the licensee is guilty of knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established. Accord, Iowa Code sections 147.55(3); 272C.10(3).

Board rule provides that the Board may impose any of the disciplinary sanctions set forth in rule 645-13.1(272C), including civil penalties in an amount not to exceed \$1,000, when the Board determines that the licensee is guilty of knowingly making misleading, deceptive, untrue, or fraudulent representations. 645 IAC 44.1(3).

Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the profession includes, but is not limited to, an intentional perversion of the truth, either orally or in writing, by a chiropractic physician in the practice of chiropractic and includes any representation contrary to the chiropractor's legal or equitable duty, trust or confidence and is deemed by the board to be contrary to good

conscience, prejudicial to the public welfare and may operate to the injury of another... 645 IAC 44.1(3)(a).

Engaging in unethical conduct includes, but is not limited to, a violation of the standards and principles of chiropractic ethics and code of ethics as set out in rule 645 IAC 40.24, and as interpreted by the Board. 645 IAC 44.1(3)(b).

The following principles of chiropractic ethics have been adopted by the Board:

**40.24(1)** These principles are intended to aid chiropractic physicians individually and collectively in maintaining a high level of ethical conduct. These are standards by which a chiropractic physician may determine the propriety of the chiropractic physician's conduct in the chiropractic physician's relationship with patients, with colleagues, with members of allied professions, and with the public.

**40.24(2)** The principal objective of the chiropractic profession is to render service to humanity with full respect for the dignity of man. Chiropractic physicians should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion.

...

**40.24(5)** The chiropractic profession should safeguard the public and itself against chiropractic physicians deficient in moral character or professional competence. Chiropractic physicians should observe all laws, uphold the dignity and honor of the profession and accept its self-imposed disciplines. They should expose, without hesitation, illegal or unethical conduct of fellow members of the profession.

#### *B. Analysis*

The Board was troubled by the Respondent's answers to the questions about his qualifications to testify as a chiropractic consultant, and felt that his responses may have given a misleading impression. However, the Board was unable to conclude that the Respondent knowingly gave misleading, deceptive or untrue testimony or engaged in unethical conduct, in violation of the statutes and rules cited in Count II.

The Court's ruling on the Motion in Limine restricted all participants in the trial, including the Respondent, from

mentioning the Board's disciplinary action against the Respondent. The actual question put to the Respondent "Have you had a problem with not having proper qualifications to testify as a chiropractic consultant?" was somewhat vague and did not directly ask the Respondent if he had ever been subject to discipline by his licensing board. The Respondent thought he was being asked whether he had ever been prevented from testifying because of a problem with his credentials, and felt that his "no" answer was accurate.

The Board's prior Statement of Charges and Settlement Agreement with the Respondent does not specify the factual allegations which were made against the Respondent. While the Respondent agreed to complete 200 hours of continuing education and to accurately describe his credentials in the future, it does not appear that he was ever suspended or prohibited from serving as a chiropractic consultant or as an expert witness as a result of the prior disciplinary action. If the Respondent had failed to complete the conditions of his probation, he would have faced further disciplinary action by this Board.

Although the Respondent's disciplinary history has been used in some civil trials in an attempt to impeach his testimony, apparently he has always been allowed to testify as an expert witness by the presiding judges. In light of the ruling on the Motion in Limine, the nature of the Board's prior discipline of the Respondent, and the actual wording of the questions put to him by defense counsel in Frye v. Bostrom's, the Board is unable to conclude that the Respondent knowingly made a misleading, deceptive or untrue statement or engaged in unethical conduct.

### **SANCTION**

In determining an appropriate sanction, the Board is permitted to consider a number of relevant factors. 645 IAC 13.2. Several of these factors are relevant to the Board's decision in this case: the relative serious nature of the violation as it relates to assuring the citizens of this state a high standard of professional care; the prior statement of charges and settlement; and the remedial action by the Respondent after the Statement of Charges were filed.

While the Respondent does not see a large number of patients, his violation of minimal standards of practice with respect to record keeping is still relatively serious. Every patient is entitled to be treated in conformance with minimal standard of acceptable and prevailing practice of chiropractic. The

prevailing standard of professional care requires chiropractors to maintain appropriate clinical records on their patients. The Respondent's patients have been denied this important aspect of their care.

This is not the first time that the Respondent has been disciplined by the Board. He has already been required to complete 200 additional hours of continuing education. This sanction was insufficient to ensure that the Respondent conformed his own practice to minimal standards. For this reason, the Board believes that a short period of suspension should be imposed for the current violation.

While the Respondent has made some modifications to his record keeping since the Statement of Charges was filed, the modifications made are still insufficient to meet minimum standards. In order to adequately address and correct the current violation, the Board believes that the Respondent must be required to complete additional hours of continuing education, targeted specifically to record keeping. In addition, the Board believes that the Respondent's records must be reviewed by a Board approved records reviewer for a period of two years.

#### **DECISION AND ORDER**

IT IS THEREFORE ORDERED, that the license to practice chiropractic in the state of Iowa issued to Vernon J. Adlfinger, D.C., license no. 022-04178 is hereby SUSPENDED for a period of seven (7) days, effective on the date of service of this order.

IT IS FURTHER ORDERED that following suspension, the Respondent's license shall be placed on probation for a period of two (2) years, subject to the following terms and conditions:

A. Within thirty (30) days of the date of this order, the Respondent shall submit to the Board the names and resumes of three Iowa licensed chiropractors in good standing who would be willing to review the Respondent's patient records. If none of the names submitted are acceptable to the Board, the Respondent will be asked to submit additional names. The Board will approve one of the persons on the Respondent's list to serve as the records reviewer, and that person will be provided a copy of the Board's decision in this case.

The Board-approved reviewer shall analyze a minimum of five (5) of the Respondent's patient charts per quarter for compliance with the minimal standards of acceptable and prevailing practice of chiropractic relating to record keeping, including but not limited to: sufficient information to accurately identify the patient; relevant health history of the patient; the dates chiropractic treatment was provided and description of the treatment; and any necessary subjective and objective findings, assessment or plan of treatment. The reviewer shall file quarterly written reports with the Board and shall attach copies of the patient records that were reviewed. All costs associated with the records review shall be the responsibility of the Respondent.

B. The Respondent shall complete at least twenty-four (24) hours of continuing education in record keeping, prior approved by the Board, during the period of probation. The Respondent shall provide the Board with written verification of his satisfactory completion of the continuing education. These hours of continuing education may count toward the hours of continuing education required for license renewal.

C. Any violation of the terms of probation is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a)(2001).

Upon full compliance with the terms of probation and expiration of the term of probation, the Respondent's license shall be restored to its full privileges free and clear of the terms of probation.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6, that the Respondent shall pay \$75.00 hearing fee, within thirty (30) days of receipt of this decision. The cost of a transcript will be charged to the party requesting it. 645 IAC 11.23.

Dated this        day of January, 2002.

This Findings of Fact, Conclusions of Law, Decision and Order is approved by the Board on February 6, 2002.