

BEFORE THE IOWA BOARD OF PSYCHOLOGY EXAMINERS

IN THE MATTER OF:)	Case Nos. 02-007; 01-016
)	
MARK A. DAVISON, Ph.D.)	
)	STATEMENT OF CHARGES,
License No. 00912)	CONSENT AGREEMENT, AND
)	FINAL ORDER
Respondent.)	

COMES NOW the Iowa Board of Psychology Examiners, pursuant to Iowa Code sections 17A.10, 147.55, 154B.8, and 272C.3 (2001), and enters the following Statement of Charges, Consent Agreement and Final Order:

STATEMENT OF CHARGES

1. The Respondent is licensed to practice psychology in the State of Iowa, and his license is current until June 30, 2004.
2. The Board has jurisdiction over the parties and the subject matter pursuant to Iowa Code Chapters 17A, 154B and 272C (2001).
3. Licenses issued by the Board are subject to the laws of the State of Iowa and to the administrative rules promulgated by the Board.
4. On June 17, 2002, and pursuant Iowa Code section 272C.9 (2001), the Board Ordered the Respondent to undergo a comprehensive physical, psychiatric, neuropsychological, and substance abuse evaluation.
5. The Respondent has failed to satisfy the terms and conditions of the Board's June 17, 2002 Order.

6. On July 17, 2002, the Indiana State Psychology Board entered an Emergency Suspension Order suspending the Respondent's license to practice psychology in Indiana.

COUNT I

7. Respondent is charged with violating Iowa Code sections 147.55(3), 272C.9, and 272C.10 (2001) and the Board's administrative rules found at 645 IAC 242.1(1)(c), 242.1(1)(d), 242.1(5), 242.1(6), 242.1(7) and 242.1(14) (specifically, Ethical Standards 1.13, 1.14, 1.15, and 1.17) by: engaging in practices harmful and detrimental to the public; practicing psychology while addicted to drugs; obtaining, possessing or attempting to possess a controlled substance without lawful authority; negligence by a licensee in the practice of the profession; violating professional ethical standards; failing to comply with an order of the Board; having his license suspended by the licensing authority of another jurisdiction; and by failing to report to the Board in writing the disciplinary action taken by a licensing authority of another state.

CIRCUMSTANCES

8. Respondent is a psychologist practicing in a counseling center located in Northeast Iowa.

9. From 1980 to the present, on at least 7 occasions, the Respondent has been charged with and convicted of Operating a Motor Vehicle while under the Influence of Drugs or Alcohol.

10. In May 2002 and June 2002, the Respondent was charged in the Iowa District Court for Delaware County with the following offenses:

- (a) Solicitation in violation of Iowa Code § 705.1, a Class “D” Felony, upon allegations that the Respondent solicited and persuaded another to supply him with a schedule III narcotic which was not prescribed for him;
- (b) Conspiracy to Commit a Felony in violation of Iowa Code § 706.1(1)(a) or (b), a Class “D” felony, upon allegations that the Respondent conspired with another to supply him with a schedule III narcotic;
- (c) Unlawful Possession of a Prescription Drug in violation of Iowa Code § 155A.21(1), a serious misdemeanor, upon allegations that the Respondent possessed a schedule IV narcotic prescribed for another;
- (d) Prohibited Acts in violation of Iowa Code § 155A.23(1)(a), or (c), an aggravated misdemeanor, upon allegations that the Respondent obtained a prescription for a schedule IV narcotic by making fraudulent and deceptive statements to a licensed physician;
- (e) Unlawful Possession of a Prescription Drug in violation of Iowa Code § 155A.21(1), a serious misdemeanor, upon allegations that the Respondent possessed a schedule IV narcotic not prescribed for him;
- (f) Conspiracy to Commit a Felony in violation of Iowa Code § 706.1(1)(a) or (b), a Class “D” felony, upon allegations that the Respondent conspired with another to obtain a schedule III narcotic;
- (g) Solicitation in violation of Iowa Code § 705.1, a Class “D” felony, upon allegations that the Respondent solicited another party to supply him with a schedule III narcotic which was not prescribed for the Respondent;
- (h) Conspiracy to Commit an Aggravated Misdemeanor in violation of Iowa Code § 706.1(1)(a) or (b) upon allegations that the Respondent conspired with another to supply him with a scheduled IV narcotic that was not prescribed; and

- (i) Unlawful Possession of a Prescription Drug, a schedule III narcotic, in violation with Iowa Code § 155A.21(1), a serious misdemeanor, upon allegations that the Respondent solicited a patient to supply him with a schedule III narcotic.
- (j) Insurance fraud, a class D felony.
- (k) Unlawful Possession of a Prescription Drug, a schedule III narcotic, in violation of Iowa Code § 155A.21(1) by possessing a prescription belonging to a patient.
- (l) Solicitation in violation of Iowa Code § 705.1 by soliciting a patient to provide the Respondent with Tylenol III, a schedule III narcotic.

11. The Respondent has previously been ordered to treatment for substance abuse, and many of his convictions and the pending charges have arisen after that ordered treatment.

12. The allegations on which the current charges are based include allegations that the Respondent used patients in his conspiracies to obtain prescription drugs.

13. The Respondent is currently under license sanction in the State of Indiana for substance abuse and other issues and failed to report that action to the Board as required.

14. The Respondent failed to comply with the Board's Order directing that he undergo a comprehensive physical, neuropsychological, psychiatric, and substance abuse evaluation to determine whether he suffers from any impairment which could impair his ability to safely provide therapy services with the degree of care and skill required by the statutes and rules governing the practice of psychology.

15. Respondent has engaged in conduct violative of the laws and rules governing the Board's licensees.

SETTLEMENT AGREEMENT AND FINAL ORDER

16. The Board has jurisdiction over the parties and the subject matter.
17. By executing this Settlement Agreement, the Respondent expressly waives the right to notice and hearing on the charges.
18. Respondent is freely and voluntarily entering into this agreement, and he agrees that the State's counsel may present this agreement to the Board.
19. This Statement of Charges and Settlement Agreement is subject to approval of the Board. If the Board fails to approve this Statement of Charges and Settlement Agreement, it shall have no force or effect to either party.
20. The Board's approval of the Statement of Charges and Settlement Agreement shall constitute the resolution of a contested case proceeding and shall be a FINAL ORDER of the Board.
21. The Respondent does not contest before the Board the allegations of the current charges.

22. The Respondent agrees to voluntarily surrender his license to practice psychology in the state of Iowa and also agrees that, pursuant to Iowa Code section 154B.8, a voluntarily surrender must be accompanied by a written statement of intention, attached hereto as Attachment A; and when accepted by the director of public health, the Respondent agrees that the voluntary surrender shall have the same force and effect as an order of revocation issued by the Board.

23. The Respondent hereby agrees not to engage in the practice of psychology in the state of Iowa.

24. The Respondent agrees that should he ever seek reinstatement of his license to practice psychology that he shall be required to meet the standards set for reinstatements under the Board's administrative rules and shall be required to submit evidence to the Board's satisfaction that he is prepared to practice in a manner which shall conform to the laws and rules governing the practice of psychology in Iowa.

25. This Statement of Charges and Informal Settlement Agreement are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22 and shall become a part of the permanent record of Respondent.

This Statement of Charges, Consent Agreement, and Final Order is approved by the Board on this 8th day of November, 2002.

Dr. Stephen Gleason, D.O.
Director
Iowa Department of Public Health
Lucas State Office Building
Des Moines, Iowa 50319

Dear Dr. Gleason:

You are hereby notified that in accordance with the provisions of Iowa Code section 154B.8, this letter shall constitute my written statement of intention to voluntarily surrender the enclosed license to practice psychology in the state of Iowa. You are further notified that I fully understand that upon your acceptance of this voluntary surrender of my license, such acceptance shall have the same force and effect as an order of revocation.

You are further notified that I hereby affirm my decision not to engage in the practice of psychology in the state of Iowa, and I hereby absolve and release the Iowa Department of Public Health and the Iowa Board of Psychology Examiners from any further right, claim, or title to the certificate of license and to any of the rights, privileges and honors pertaining thereto.

This written statement is my intention to voluntarily surrender my psychology license and is being signed by me on this 11th day of October, 2002, as my own voluntary act and deed.

Dr. Mark Davison, Ph.D.
Respondent

ATTACHMENT A