

BEFORE THE IOWA BOARD OF PODIATRY

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IN THE MATTER OF	)	Nos. 05-004, 06-024, 06-025
	)	
Donnis F. Crank,	)	EMERGENCY ADJUDICATIVE
License Number 00524	)	ORDER
Respondent	)	

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Comes now the Iowa Board of Podiatry (Board), on this 10<sup>th</sup> day of February, 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 00524 to practice as a podiatrist in the state of Iowa on July 31, 1991. The license is current through June 30, 2012.
3. Respondent is a podiatrist practicing in the Des Moines area.
4. On April 29, 2010, the Board issued a decision and order (Order) in the above-captioned case. The Board concluded that Respondent engaged in practice harmful or detrimental to the public, was negligent in the practice of the profession, and was guilty of professional incompetence.
5. The April Order required Respondent to complete an evaluation at the Center for Personalized Education for Physicians (CPEP) and to obtain a Practice Monitor.
6. Respondent completed an evaluation at CPEP in October of 2010. That evaluation indicated that Respondent’s medical knowledge was marginally adequate and that his clinical judgment and reasoning were inadequate. As a result, CPEP recommended neuropsychological testing and participation in an individualized Education Intervention.
7. Respondent obtained a neuropsychological evaluation from Campbell Neuropsychological Services on November 23, 2010 which indicated no “evidence of a memory disorder, per se,” but noted performance consistent with “mild dysfunction... most notably associated with diminished concentration, visual-spatial analysis, concept formation, and learning efficiency.” No conclusion was made as to Respondent’s ability to practice podiatry.

8. The Board concludes that the facts brought out at hearing and the evaluations done by CPEP and Campbell Neuropsychological Services constitute sufficient factual investigation to ensure that the Board is proceeding on the basis of reliable information.

9. The Board concludes that Respondent's inadequate clinical judgment and reasoning pose immediate danger to the health, safety and welfare of the patients that he treats so long as he practices without a Monitor. The Board further concludes that the results of Respondent's neuropsychological exam do not negate the cognitive functioning and diagnostic concerns raised by the CPEP evaluation.

10. The Board concludes, in light of the CPEP evaluation, that compliance with the monitoring requirements imposed by the April Order would be insufficient to protect the public health, safety and welfare.

#### 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 establish that Respondent appears to be professionally incompetent, in violation of 645 Iowa Administrative Code 224.2(2).

15. The facts set forth above establish that Respondent's continued practice as a podiatrist poses an immediate danger to the public health, safety or welfare. Respondent's competency problems and his inadequate clinical judgment raise concerns

regarding his ability to accurately diagnose and treat patients. The Board believes patients may be harmed if Respondent is allowed to engage in the practice of podiatry without extensive supervision.

16. The Board finds that the public health, safety, and welfare can be adequately safeguarded if Respondent obtains a Board-approved Practice Monitor **who reviews 100% of Respondent's charts** and who **is physically present for all Respondent's patient examinations and procedures.**

#### 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 suspended until such time as he may practice under the supervision of a Practice Monitor as described in paragraph 18. The Practice Monitor must a) be Board-approved, and b) consent in writing to provide the level of monitoring described in paragraph 18.

A hearing on this Emergency Adjudicative Order shall be held on March 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 12<sup>th</sup> Street, Des Moines Iowa 50319-0075.

This Emergency Adjudicative Order is approved by the Board this 10<sup>th</sup> day of February, 2011.