

BEFORE THE BOARD OF PODIATRY EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF

CHARLES D. JOINER, DPM,

POD 01-008 and 02-005

SETTLEMENT AGREEMENT
AND FINAL ORDER

COMES NOW the Iowa Board of Podiatry Examiners and Charles D. Joiner, DPM, on this 10th day of May, 2004, and enter into the following Settlement Agreement and Final Order of the contested case currently on file.

- 1) Respondent was issued license number 193-00652 to practice podiatry in the State of Iowa on September 16, 1997. The license is current through June 30, 2004.
- 2) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 149 and 272C.
- 3) A Statement of Charges was filed against Respondent on June 27, 2003, and is awaiting hearing. Respondent filed an answer denying the allegations.
- 4) The Board has jurisdiction over the parties and the subject matter.
- 5) Immediately upon the Board=s approval of this Settlement Agreement and Final Order, Respondent=s license to practice podiatry shall be placed on probation for four (4) years. Respondent may request modification of, or release from, the probation after six months. The probation is subject to the following conditions:

A.

1. Respondent agrees to submit to a comprehensive evaluation through the Center for Personalized Education for Physicians program (CPEP) in Denver, Colorado,

OR through a program approved by the Board, within sixty (60) days of the date this Settlement Agreement and Final Order is approved by the Board.

2. Respondent shall ensure that the evaluating program promptly and timely submits its evaluation report to the Board.

3. Respondent shall promptly and timely comply with all recommendations, if any, made by the evaluating program.

B.

1. Respondent shall, within thirty days of the date this Settlement Agreement and Final Order is approved by the Board, submit to the Board a plan for the monitoring of his office practice by a monitoring podiatrist, which shall be implemented immediately upon Board approval.

2. The monitoring podiatrist shall be an Iowa licensed podiatrist who is approved by the Board to monitor Respondent. The monitoring podiatrist shall be responsible for monitoring the podiatric care provided by Respondent to patients in his practice. The plan of monitoring shall be prior-approved by the Board, and shall specify the manner in which Respondent's care of patients in his practice will be reviewed by the monitoring podiatrist, but shall at a minimum provide for:

- a. Prior to Respondent performing any surgery, the monitoring podiatrist shall review each patient chart to determine the need for surgery. Respondent shall not perform surgery without the concurrence of the monitoring podiatrist.
- b. The monitoring podiatrist shall conduct a chart review of the post-operative care provided to each surgical patient on at least a weekly basis.
- c. The monitoring podiatrist shall conduct a random, weekly chart review of

at least ten non-surgical patients seen by Respondent.

3. Respondent shall ensure the monitoring podiatrist provides a statement to the Board indicating that the monitoring podiatrist has read this Settlement Agreement and agrees (1) to serve as monitoring podiatrist for the plan of monitoring approved by the Board; (2) to submit reports to the Board not later than January 10, April 10, July 10, and October 10 of each year of the Respondent's probation describing Respondent's compliance with the plan of monitoring and any recommendations made to Respondent; (3) to immediately notify the Board of any deviation from the plan of monitoring approved by the Board; and (4) to immediately notify the Board of any problems in Respondent's office practice that raise concern regarding state laws governing podiatry, including Board rules.

4. Respondent agrees to comply with any recommendations made by the monitoring podiatrist.

5. Respondent shall ensure that the monitoring podiatrist submits quarterly reports to the Board describing Respondent's compliance with the plan of monitoring.

6. Respondent shall submit quarterly reports, under penalty of perjury, stating that there has been compliance with all the conditions of this Settlement Agreement and Final Order. The reports shall be filed not later than January 10, April 10, July 10, and October 10 of each year of the Respondent's probation.

C.

1. Respondent agrees to submit to random unannounced visits to his place of employment by the Board or its designee to review patient records and otherwise verify compliance with this Settlement Agreement. Respondent shall fully cooperate in announced or random visits, reviews, or evaluations by the Board or its designee.

2. Respondent agrees to submit quarterly reports regarding his compliance

with all the conditions of this Settlement Agreement and Final Order.

3. Respondent shall appear before the Board upon the Board's request. Respondent shall be given reasonable notice of the date, time, and place for the appearances. Such appearances are subject to the waiver provisions of 645 IAC 9.7.

4. Respondent shall obey all federal, state, and local laws, and all rules governing the practice of podiatry in Iowa.

5. Respondent shall notify the Board of any change of employment or address within one week of said change.

6. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the Settlement Agreement and Final Order.

D.

1. In the event Respondent violates or fails to comply with any of the terms or provisions of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline as authorized in Iowa Code Sections 148.6 and 272C.3(2)(a).

2) This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement, Respondent waives all rights to a contested case hearing, and waives any objection to any of this Settlement Agreement.

3) This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration.

4) This Settlement Agreement and Final Order must be approved by the

Board. If the Board fails to approve this Settlement Agreement it shall be of no force or effect to either party.

5) The Board's approval of this Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

This settlement agreement and final order is approved by the board on May 10, 2004.