

**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

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Podiatry Examiners, on this 8th day of July, 2005, and files this statement of charges against Charles D. Joiner, DPM, (Respondent), a podiatrist licensed pursuant to Iowa Code Chapters 147 and 149 (2003), and alleges:

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, 2006.
2. Respondent's license is currently on probation.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 149 and 272C.

COUNT I

Respondent is charged under Iowa Code section 272C.3(2)(a) (2005), and 645 IAC 220.212(1)(b), with failure to comply with a decision and order of the Board imposing licensee discipline.

COUNT II

Respondent is charged under 645 IAC 224.2(2)(a) - (d) with professional incompetency.

COUNT III

Respondent is charged under 645 IAC 224.2(2)(e) with inability to practice with reasonable skill and safety because of illness, a physical condition, and/or a mental condition.

CIRCUMSTANCES

1. On June 27, 2003, the Board filed a Statement of Charges against Respondent alleging that Respondent was professionally incompetent in his treatment of several patients and that he had failed to comply with a subpoena issued by the Board.

2. On May 10, 2004, Respondent and the Board entered into a Settlement Agreement and Final Order, in which Respondent agreed his license would be placed on probation for four years, submit to a number of requirements, which included submission to a comprehensive competency evaluation at CPEP, or through a program approved by the Board, within sixty days of the date of the order.

3. Under this agreement, Respondent was to submit to evaluation by July 9, 2004. That deadline was extended to August 1, 2004; and then extended to August 31, 2004.

4. On October 6, 2004, the Board filed a Statement of Charges against Respondent for failure to comply with an order of the Board.

5. Following a contested case hearing, the Board issued a Findings of Fact, Conclusions of Law, Decision and Order on November 23, 2004, in which Respondent was cited and warned for his failure to comply with the Board order of May 10, 2004, and ordered to comply with that order.

6. Respondent submitted to evaluation at CPEP from November 29-30, 2004. CPEP's evaluation report identified extensive deficiencies in Respondent's podiatric practice. CPEP recommended Respondent be retrained in a residency program because he "did not demonstrate the ability to remain in independent practice while attempting to remediate his clinical skills." CPEP also recommended Respondent undergo a neuropsychological evaluation before undergoing remediation, as results from a cognitive function screening test performed by CPEP raised concerns suggesting the need for such an evaluation.

7. Respondent voluntarily underwent a neuropsychological evaluation at the University of Iowa Hospitals and Clinics (UIHC) on March 10, 2005. The report from that evaluation indicated the evaluation results "are invalid, due to [Respondent's] poor effort during the testing." It was recommended Respondent return for re-evaluation, further undergo a neurological evaluation and a brain MRI, and limit his practice until he could be fully evaluated.

8. On April 8, 2005, the Board issued a Confidential Order for Evaluation requiring Respondent to comply with the recommendations from the UIHC for further evaluation, and to complete that evaluation within fifteen working days of the date of the order.

9. In a separate letter to Respondent, the Board advised Respondent about the Order for Evaluation and further requested that within ten days Respondent provide the Board with documentation "that you have made arrangements to complete a residency program and a detailed plan to lose your practice." In a letter to the Board dated May 4, 2005, Respondent subsequently contacted the Board to advise he was not currently practicing podiatry because of "health related reasons," that he planned to have an associate operate his practice, and that he would not return to UIHC for re-evaluation because of his

current health problems. Respondent requested his license be placed on inactive status or be voluntarily suspended.

10. In a letter dated May 13, 2005, counsel for the Board provided a voluntary surrender agreement to Respondent and his counsel, and asked that it be signed and returned by May 27, 2005. Respondent has not responded to that letter.

The Board found probable cause to file this Statement of Charges on July 8, 2005.

This statement of charges is approved by the board on July 8, 2005.