

BEFORE IOWA BOARD OF PODIATRY

IN THE MATTER OF) NOs. 05-004, 06-024, 06-025
)
Donnis F. Crank,) **NOTICE OF HEARING**
) **AND STATEMENT OF CHARGES**
Respondent.)

COMES NOW the Iowa Board of Podiatry (Board) and hereby files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent was issued license number 00524 to practice podiatric medicine in the state of Iowa on July 31, 1991. Respondent's license is active, and will expire on June 30, 2012. Respondent's address as reported to the Board is 533 31st St., West Des Moines, Iowa 50265.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on **March 14, 2011** before the Board of Podiatry. The hearing shall begin at **9:00 a.m.** and shall be located in the Lucas State Office Building, room 526, 321 East 12th Street, Des Moines, Iowa.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 IAC 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Board of Podiatry, 5th Floor, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa, 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist

and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 641 IAC chapter 11. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 IAC 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 645 IAC 11.17.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: September Lau, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 149, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 149, and 272C and 645 IAC chapter 224.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 645 IAC 11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

Respondent is charged pursuant to Iowa Code section 272C.10(2) and 645 IAC 224.2(2)(a) with “a substantial lack of knowledge or ability to discharge professional obligations within the scope of practice.”

D. FACTUAL CIRCUMSTANCES

1. On April 29, 2010, the Board issued a decision and order (Order) in the above-captioned case. The Board concluded, following a hearing, 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.

2. The April Order placed Respondent on probation with the condition that Respondent obtain a Board-approved Practice Monitor to review 20% of Respondent’s charts and to provide quarterly reports to the Board.

3. Respondent has proposed a Dr. Yount as a Practice Monitor. Dr. Yount is residency trained and board certified, and does not have a close personal or professional relationship with Respondent.

4. The April Order also required Respondent to complete an evaluation at the Center for Personalized Education for Physicians (CPEP) and follow all recommendations made by CPEP as a result of that evaluation. Respondent completed a CPEP evaluation in October of 2010. The evaluation raised serious concerns about Respondent's ability to safely practice podiatry.

4. CPEP recommended further neurological testing and participation in an educational program. These recommendations were communicated to Respondent on October 13, 2010.

5. Respondent obtained a neuropsychological evaluation from Campbell Neuropsychological Services on November 23, 2010. The evaluation was inconclusive about Respondent's medical competency.

6. Respondent is in the process of arranging an Educational Intervention through CPEP in further compliance with the April Order/CPEP recommendations.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC chapter 12. If you are interested in pursuing settlement of this matter, please contact September Lau, Assistant Attorney General, at (515) 281-7175.

F. PROBABLE CAUSE FINDING

On this 10th day of February, 2011, the Iowa Board of Podiatry found probable cause to file this Notice of Hearing and Statement of Charges.