

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE)	CASE NO. 03-95-286
STATEMENT OF CHARGES AGAINST:)	DIA NO. 99DPHMB006
)	
HERBERT E. REMER, D.O.)	ORDER DISMISSING
)	STATEMENT OF CHARGES
RESPONDENT)	

On April 15, 1999, a Statement of Charges was filed against Herbert E. Remer, D.O. (Respondent). On June 1, 1999, the state of Iowa, through an Assistant Attorney General, filed and presented to the Iowa Board of Medical Examiners (Board) the State's Motion To Dismiss the pending charges. The Respondent did not resist the motion and authorized the state to present the motion to the Board. The Board voted to grant the Motion to Dismiss.

IT IS THEREFORE ORDERED, that the State's Motion to Dismiss is GRANTED and the Statement of Charges filed on April 15, 1999 is hereby DISMISSED.

Dated this 28th day of June, 2000.

Dale R. Holdiman MD

Dale Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners

cc: Michael M. Sellers
One Corporate Place
1501 42nd St.
West Des Moines, Iowa 50266-1005

Pamela Griebel
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

HERBERT E. REMER, D.O., RESPONDENT

No. 03-95-286

COMES NOW the Iowa State Board of Medical Examiners (the Board), on Apr: 1 15, 1999, and files this Statement of Charges against Herbert E. Remer, D.O., (Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. Respondent was issued license number 01706 to practice osteopathic medicine and surgery in Iowa on July 13, 1978. Respondent's license is valid and will next expire on December 1, 1999.

2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

3. Respondent is charged with professional incompetency pursuant to Iowa Code section 147.55(2), 148.6(2)(g), (i), and 258A.10(2) (1991), and 653 IAC sections 12.4(2)(b), (c), and (d), by demonstrating between 1992 and 1993, one or more of the following:

a) A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;

- b) A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances; and
- c) A willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of osteopathic medicine and surgery or osteopathy in the state of Iowa.

COUNT II

4. Respondent is charged with being guilty of willful or gross negligence pursuant to Iowa Code sections 258A.3(2)(b), 258A.4(6) (1991) and 653 IAC section 12.4(25) .

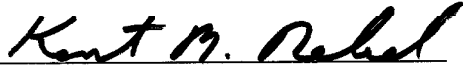
CIRCUMSTANCES

5. As more fully detailed in a Peer Review Report dated October 13, 1998, and supplemented November 16, 1998, the charges arise from Respondent's management of three high risk pregnancies in 1992 and 1993, summarized as follows:

- a) Patient #1. Respondent failed in 1993 to provide appropriate fetal well-being surveillance, prenatal care management and preventative intervention of a high risk pregnancy. Twin fetal death occurred at 41 weeks gestation.
- b) Patient #2. Respondent failed in 1992 to appropriately recognize, monitor and respond to numerous warning signs during a poorly progressing, high risk labor involving meconium staining and non-reassuring fetal heart monitoring. Fetal death occurred at 42 weeks gestation.

c) Patient #3. Respondent failed in 1992 to appropriately monitor, manage and intervene in a high risk, premature labor involving a breech presentation and suspected interuterine growth retardation. Fetal death occurred at 31 weeks gestation.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem appropriate under the law.



Kent M. Nebel, J.D.
Director of Compliance
Iowa Board of Medical Examiners
1209 East Court Avenue
Des Moines, Iowa 50319
Phone 515-281-5171

cc: Pam Griebel
Assistant Attorney General
Iowa Department of Justice
Hoover State Office Building
Des Moines, IA 50319
Phone 515-281-6858