BEFORE THE STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS,	)	
Board,	)	
v.	)	Case No. 2005-004254
RONALD P. McPIKE, D.O. 706 5th Street Bonaparte, IA 52620,	)	
Licensee.	)	

SETTLEMENT AGREEMENT

Ronald P. McPike, D.O., ("Licensee") and the State Board of Registration for the Healing Arts (the "Board") enter into this Agreement for the purpose of resolving the question of whether Dr. McPike's license as an osteopathy physician and surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to §621.045, RSMo Supp. 1999.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided Licensee by operation of law; Licensee knowingly

and voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that he may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of Licensee's license.

3. Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claims, actions, causes of action, fees, costs, and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo 1994, or any claim arising under 42 U.S.C. 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case or this Agreement, or from the negotiation or execution of this Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement, or any portion thereof, void or unenforceable.

5. The parties stipulate and agree that the order agreed to by the Board and Licensee in Part II herein is based only on the Agreement set out in Part I herein. Licensee understands that the Board may take disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

6. Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapters 334, 610, 620, and 621, RSMo, as amended.

I.

Based upon the foregoing, Board and Licensee herein jointly stipulate to the following:

JOINT PROPOSED FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts (the "Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. Ronald P. McPike, D.O., ("Licensee") is licensed by the Board as an osteopathic physician and surgeon, License Number R9J13, which license was first issued July 20, 1989. Licensee's certificate of registration is current, and was current and active since at all times relevant herein.

3. Licensee was engaged in the practice of psychiatry and licensed as a physician in the State of Iowa, license number 02980. Said license was indefinitely suspended effective June 2, 2005

4. On or about June 2, 2005, the Board of Medical Examiners of the State of Iowa ("Iowa Board") approved a Statement of Charges, Settlement Agreement and Final Order (combined) ("Order"). A copy of the Order is attached as Exhibit 1 and incorporated by reference as though fully set forth herein.

5. The bases for the Order included:

(a) that Licensee paid a parking fine to the Burlington Iowa Police Department with dollar bills smeared with human fecal matter and, as a consequence of that behavior,

pled guilty to a criminal charge of harassment of a public official, and

(b) an Iowa Board-ordered comprehensive physical, neuropsychological and substance abuse evaluation performed by a professional assessment program found that Licensee demonstrated serious character deficits which negatively impacted his medical practice.

(c) that Licensee's care and treatment of several of his patients constituted a pattern of professional incompetency and practice harmful and/or detrimental to the public including, but not limited to inappropriate prescribing practices, inappropriate diagnostic practices, and/or inappropriate substance abuse treatment awareness as described in paragraph 14 of the Iowa Board's Order. A copy of the Order is attached as Exhibit 1 and incorporated by reference as though fully set forth herein.

6. Said Order cited Licensee for engaging in professional incompetency, unprofessional conduct and practice harmful and/or detrimental to the public and warned Licensee that evidence of such conduct in the future may result in further formal disciplinary action, including suspension or revocation of Licensee's Iowa medical license.

7. The Iowa Board's Order suspended Licensee's medical license indefinitely and prohibits Licensee from engaging in any aspect of the practice of medicine during the period of suspension.

8. The Iowa Board's Order further requires Licensee, prior to seeking reinstatement of his Iowa medical license, to successfully complete residential treatment at an Iowa Board-approved treatment program and to demonstrate that he is safe to return to the practice of medicine and further directed Licensee to fully comply with all recommendations made by the assessment and treatment programs described in the Iowa Board's Order.

9. The Iowa Board's Order further requires Licensee, prior to seeking reinstatement of his Iowa medical license, to successfully complete a comprehensive competency evaluation at the Center for Personalized Education for Physicians (CPEP) in Denver, Colorado and for Licensee to fully comply with all recommendations made by CPEP and the Iowa Board following the evaluation to address any areas of deficiency identified by the CPEP evaluation.

10. The Iowa Board's Order allows Licensee to apply for reinstatement of his Iowa medical license upon successful completion of residential treatment and the competency evaluation.

11. Upon reinstatement of Licensee's Iowa medical license, the Iowa Board's Order imposes a five (5) year period of probation subject to the terms and conditions contained in paragraph 20 of the Iowa Board's Order.

12. The Iowa Board's Order is a final disciplinary action pursuant to § 334.100.2(8), RSMo. Supp. 2002.

JOINT PROPOSED CONCLUSIONS OF LAW

13. Cause exists to discipline Licensee's license pursuant to §§ 334.100.2(2), (4), (4)(c), (4)(g), (4)(h), (5), (6), (8), (18) and (25) RSMo Supp. 2002, which provide in pertinent part:

> 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:
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> (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any

profession licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed to regulated by this chapter, including, but not limited to, the following:

* * * *

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical surgical services;

* * * *

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision os this chapter;

* * * *

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

* * * *

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

* * * *

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

* * * *

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employers;

* * *

(18) Failure or refusal to guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof.

* * * *

(25) Being unable to practice as a physician and surgeon or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition.

14. Licensee's conduct, as established by the foregoing facts, falls within the intendment of §§334.100.2(2), (4), (4)(c), (4)(g), (4)(h), (5), (6), (8), (18) and (25) RSMo Supp. 2002.

15. Cause exists for the Board to take disciplinary action against Licensee's license under §§334.100.2(2), (4), (4)(c), (4)(g), (4)(h), (5), (6), (8), (18) and (25) RSMo Supp. 2002.

II.

JOINT AGREED ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the order entered by the State Board of Registration for the Healing Arts in this matter under the authority of §621.110, RSMo 1994. This agreement will be effective immediately on the date entered and finalized by the Board.

A. Effective the date the Board enters into the Agreement:

1. The medical license, license number R9J13 issued to Licensee is hereby VOLUNTARILY SURRENDERED in lieu of disciplinary action. Licensee understands that this Agreement will be reported to the National Practitioner's Data Bank, the Health Integrity and Protection Data Bank, and the Federation of State Medical Boards as an action in lieu of discipline.

2. Within 10 days of the effective date of this Agreement, Licensee shall return all indicia of Missouri medical licensure to the Board, including but not limited to, his wall-hanging license and pocket card.

3. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC §1983, which may be

based upon, arise out of, or relate to any of the matters raised in this agreement, of from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

4. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

Ronald P. McPike, D.O.

Dated: 1/30/06

BOARD

Tina Steinman
Executive Director

Dated: 2/6/06

Glenn E. Bradford, Mo Bar No. 27396
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EFFECTIVE THIS 21 DAY OF February, 2006.