BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

SCOTT K. NAU, M.D., RESPONDENT

FILE No. 02-2019-075

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STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)

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COMES NOW the Iowa Board of Medicine (Board), and Scott K. Nau, M.D., (Respondent), on April 23, 2020, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Iowa Medical License: Respondent was issued Iowa medical license MD-21668 on July 26, 1979. Respondent’s Iowa medical license is active and will next expire on February 1, 2021.

   2. Jurisdiction: The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148, and 272C.
SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

3. **Unethical or Unprofessional Conduct:** Pursuant to Iowa Administrative Code rule 653—13.7(4):

   *Sexual conduct.* It is unprofessional and unethical conduct, and is grounds for disciplinary action, for a physician to engage in conduct which violates the following prohibitions:

   a. In the course of providing medical care, a physician shall not engage in contact, touching, or comments of a sexual nature with a patient, or with the patient’s parent or guardian if the patient is a minor. . . .

**STATEMENT OF THE MATTERS ASSERTED**

4. **Practice Setting:** Respondent is an Iowa-licensed physician who practices pediatric medicine in Cedar Rapids, Iowa.

5. **Unethical or Unprofessional Conduct:** The Board alleges that Respondent engaged in unethical conduct when he entered into a sexual relationship with the mother of an active minor patient.
SETTLEMENT AGREEMENT

6. CITATION AND WARNING: Respondent is hereby CITED for engaging in unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby WARNED that engaging in such conduct in the future may result in further disciplinary action against his Iowa medical license.

7. CIVIL PENALTY: Respondent shall pay a $1,000 civil penalty. The civil penalty shall be paid within twenty (20) days of the date of Board approval of this Order. The civil penalty shall be payable to the Treasurer of Iowa, shall be mailed to the executive director of the Board, and shall be deposited into the State General Fund.

8. PROFESSIONAL ETHICS PROGRAM: Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Center for Personalized Education for Physicians (CPEP), 7351 Lowry Blvd., Suite 100, Denver, CO 80230, 303-577-3232, within sixty (60) days of the date Board approval of this Order. Respondent shall ensure that a report is sent directly to Andrew Rupiper, Interim Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, Iowa, 50309-4686 at 515-281-5499 or by email at andrew.rupiper@iowa.gov. Respondent is responsible for all costs associated with the program. Due to the Covid-19 pandemic and the potential inability to complete the PROBE course, upon Respondent’s request, the Board may extend the time in which to complete the course or consider approval a
substantially similar course. Any such requests shall be made through the Interim Compliance Monitor.

9. Respondent voluntarily submits this Order to the Board for consideration.

10. Respondent agrees that the State’s counsel may present this Order to the Board for consideration.

11. This Order constitutes the resolution of a contested case proceeding.

12. Respondent shall submit a written statement to the Board, which demonstrates that he has shared a copy of this Order with all medical licensing boards where Respondent holds a license, whether active or not, within thirty (30) days of the date of Board approval of this Order.

13. Respondent shall submit a written statement to the Board, which demonstrates that he has shared a copy of this Order with all hospitals, clinics and/or agencies where Respondent is employed as a physician, within thirty (30) days of the date of Board approval of this Order.

14. Respondent understands that by entering into this Order he has a right to legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

15. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, he cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may
only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

16. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

17. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

18. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

19. The Board’s approval of this Order shall constitute a Final Order of the Board.

Scott K. Nau, M.D., Respondent

Subscribed and sworn to before me on ________, 2020.

Notary Public, State of __________________________

This Order is approved by the Board on ________, 2020.

Kyle G. Ulveling, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686