

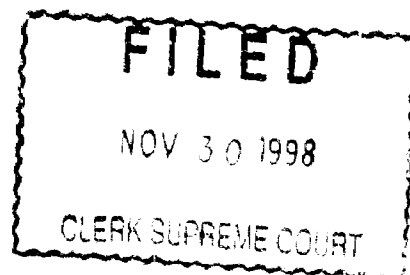
IN THE COURT OF APPEALS OF IOWA

No. 8-539 / 97-1645
Filed November 30, 1998

ROBERT E. LACHMAN,
Appellant,

vs.

STATE OF IOWA BOARD OF MEDICAL EXAMINERS,
Appellee.



Appeal from the Iowa District Court for Marshall County, David R. Danielson,
Judge.

Robert Lachman appeals the district court's ruling on judicial review affirming
the permanent revocation of his medical license. **AFFIRMED.**

Christopher L. Hartley, Milwaukee, Wisconsin, for appellant.

Thomas J. Miller, Attorney General, and Theresa O'Connell and Heather L.
Adams, Assistant Attorneys General, for appellee.

Heard by Streit, P.J., and Vogel and Mahan, JJ.

VOGEL, J.

Robert Lachman appeals the district court's ruling on judicial review affirming the permanent revocation of his medical license. We find substantial evidence in the record to support the revocation and therefore affirm.

Background facts. Lachman graduated from medical school in 1985 and completed a psychiatric residency in 1991. In 1992, he received a license to practice medicine in the State of Iowa and accepted a position as medical director for the inpatient psychiatric unit at the Marshalltown Medical and Surgical Center (MMSC) in Marshalltown, Iowa. In April of 1993, after receiving numerous complaints from patients and staff, the Marshalltown Hospital Board informed Lachman that if he did not resign his position, his employment would be terminated. Lachman resigned and accepted a psychiatric position at the Ellsworth Municipal Hospital in Iowa Falls, Iowa. After additional complaints, his employment with the Ellsworth facility ended in April of 1994.

In October of 1995, the Iowa Board of Medical Examiners filed a complaint and statement of charges against Lachman. After conducting hearings on the complaint, a three-member panel of the Board issued a proposed order recommending permanent revocation of Lachman's medical license. Lachman appealed the decision to the full Board, who then issued an amended order affirming the revocation of Lachman's license.

Lachman subsequently petitioned for judicial review. The district court affirmed the Board's action and Lachman appeals.

Scope of review. We review a contested administrative proceeding for errors of law. Iowa Code § 17A.19(8); *Arora v. Board of Med. Exam'rs*, 564 N.W.2d 4, 6 (Iowa 1997). We must determine whether the agency decision is supported by substantial evidence when reviewing the record as a whole. Iowa Code § 17A.19(8)(f); *Sahu v. Board of Med. Exam'rs*, 537 N.W.2d 674, 676 (Iowa 1995).

We defer to an agency's fact-finding if it is supported by substantial evidence. *See Glowacki v. Board of Med. Exam'rs*, 516 N.W.2d 881, 884 (Iowa 1994). Where evidence is in conflict or reasonable minds might disagree about the conclusions to be drawn, the court is bound to accept the agency's findings. *Eaves v. Board of Med. Exam'rs*, 467 N.W.2d 234, 237 (Iowa 1991).

Substantial evidence. Lachman asserts that the Board's findings of fact and conclusions of law were not supported by substantial evidence in the record. He further asserts that because the district court found that eight of the twenty¹ specific findings of fact by the Board were unsupported by substantial evidence, the matter should be remanded to the Board for reconsideration of the appropriate sanction. We disagree.

The numerous charges made against Lachman fell within five main categories of misconduct: 1) inappropriate comments to female staff; 2) inappropriate physical

¹ This figure represents the number of paragraphs within the Board's findings of fact. We note that several of these paragraphs had subsections containing individual findings.

contact with female staff; 3) inappropriate behavior toward patients; 4) inappropriate record keeping practices, billing practices and delegation of functions; 5) and breaches of patient confidentiality. After making extensive findings of fact and credibility, the Board concluded:

The preponderance of the evidence demonstrates that the Respondent provided substandard psychiatric medical care to a number of his patients and engaged in a pattern of repeated inappropriate conduct activities. The violations are further aggravated by the Respondent's continued denial of matters that this panel determines occurred.

The violations, especially those of a sexual nature, necessitate serious disciplinary action. There is more present here than a failure to maintain the minimum standards of acceptable and prevailing practice of medicine. The practices subject to complaint and established are harmful and detrimental to the public.

On judicial review, the district court found that some of the Board's specific findings of fact were not supported by substantial evidence. However, the court concluded that, in spite of the handful of unsupported findings, there still remained "an overwhelming and pervasive number of incidents and different types of conduct which were supported by substantial evidence and which supports the action taken by the Board."

We also find substantial evidence in the record to support each category of misconduct found by the Board. We further find that the sanction of revocation was based on these ultimate findings and was not predicated on each individual finding. We therefore find that remand of this matter for reconsideration of the sanction is

neither necessary nor appropriate. For these reasons, the district court's ruling upholding the revocation of Lachman's license should be affirmed.

AFFIRMED.