

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

GIOVANNI B. CIUFFO, M.D., RESPONDENT

FILE NO. 02-2022-196

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board), and files this Statement of Charges pursuant to Iowa Code section 17A.12(2).

A. TIME, PLACE, AND NATURE OF HEARING

1. **Hearing.** A contested case hearing shall be held in this matter before the Iowa Board of Medicine. The hearing shall be held in a conference room at the Iowa Board of Medicine, 400 SW 8th St., Des Moines, Iowa, 50309. The Board shall provide information about accessing the hearing to the parties at a later date.

2. **Scheduling Conference.** A scheduling conference to schedule pre-hearing deadlines shall be held by telephone on May 22, 2023, at 9:00 am CT, before Administrative Law Judge Jon Gallagher from the Iowa Department of Inspections and Appeals (ALJ) at the following conference line, 1-888-570-3602. Board rules on prehearing conferences may be found at Iowa Administrative Code rule 653—25.15.

3. **Answer.** Within twenty (20) days of the date you are served Statement of Charges, you may file an Answer pursuant to Iowa Administrative Code rule 653—

25.10(2). In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

4. **Presiding Officer.** The Board shall serve as presiding officer, but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections and Appeals the authority to make initial rulings on prehearing matters and requests the Administrative Law Judge be present to assist and advise the Board at the hearing.

5. **Hearing Procedures.** The procedural rules governing the conduct of the hearing are found at Iowa Administrative Code rule chapter 653—25. At the hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may represent yourself or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you should review the requirements in Iowa Administrative Code rule 653—25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. **Prosecution.** The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Katie Carl, Assistant Attorney General, Hoover State Office Building 2nd Floor, Iowa 3 Attorney General's Office, 1305 E. Walnut St., Des Moines, Iowa 50319; or via email to katie.carl@ag.iowa.gov.

7. **Communications.** You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this 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. You may contact Dennis Tibben, Executive Director, Iowa Board of Medicine, at 515-281-7088 or dennis.tibben@iowa.gov, or Assistant Attorney General Katie Carl at 515-281-6661 or katie.carl@ag.iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

8. **Iowa Medical License.** Respondent was issued Iowa medical license MD-45864 on December 21, 2018. Respondent's Iowa medical license is active and will next expire on May 1, 2024.

9. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C.

10. **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, 148, and 272C, and Iowa Administrative Code rule 653 – 25.25.

11. **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 Iowa Administrative Code rule 653—25.20.

C. STATUTES AND RULES INVOLVED

COUNT I

12. **Professional Incompetency.** Respondent is charged pursuant to Iowa Code sections 147.55(2) and 148.6(2)(f) and (h), and Iowa Administrative Code rules 653—23.1(2)(a)–(g), with professional incompetency.

COUNT II

13. **Practice Harmful or Detrimental to the Public.** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 148.6(2)(h), and Iowa Administrative Code rule 653—23.1(3), with engaging in a practice that is harmful or detrimental to the public.

COUNT III

14. **Knowingly Making Misleading, Deceptive, Untrue or Fraudulent Representations in the Practice of Medicine and Surgery.** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 148.6(2)(a), and Iowa Administrative Code rule 653—23.1(14), with knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of medicine and surgery.

D. STATEMENT OF THE MATTERS ASSERTED

15. **Practice Setting:** Respondent is an Iowa licensed physician who practiced cardiothoracic surgery in Sioux City, Iowa, during the time period relevant to these allegations. Respondent currently resides in the State of Nevada.

16. **Allegations:** A short and plain Statement of the Matters Asserted (Statement) was reviewed and approved by the Board at the time this Statement of

Charges was filed. The Statement shall be furnished to Respondent as an attachment to this Notice of Hearing and Statement of Charges. However, the Statement is not a public record.

E. SETTLEMENT

17. **Settlement.** This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code rule 653—12.25. If you are interested in pursuing settlement of this matter please contact Assistant Attorney General Katie Carl at 515-281-6661 or katie.carl@ag.iowa.gov.

F. PROBABLE CAUSE FINDING

18. On April 20, 2023, the Iowa Board of Medicine found probable cause to file this Notice of Hearing and Statement of Charges.



Warren E. Gall, M.D., Chair
Iowa Board of Medicine
400 S.W. 8th Street, Suite C
Des Moines, Iowa 50309