

IN THE COURT OF APPEALS OF IOWA

No. 7-079 / 06-0622
Filed March 28, 2007

DAN E. MIULLI, D.O.,
Petitioner-Appellant,

vs.

IOWA BOARD OF MEDICAL EXAMINERS,
Respondent-Appellee.

Appeal from the Iowa District Court for Polk County, Robert B. Hanson,
Judge.

Miulli appeals from the district court's ruling on judicial review affirming the
Board's denial of his request to rescind restrictions placed on his medical license.

AFFIRMED.

Michael M. Sellers of Sellers Law Office, West Des Moines, for appellant.

Thomas J. Miller, Attorney General, Jeanie Vaudt and Theresa O'Connell
Weeg, Assistant Attorneys General, Des Moines, for appellee.

Heard by Huitink, P.J., and Vogel and Vaitheswaran, JJ.

VAITHESWARAN, J.

Dan E. Miulli, D.O., is a neurosurgeon who once practiced in Iowa. In 2001, the Iowa Board of Medical Examiners (Board) found that he provided substandard care to several patients. The Board (1) indefinitely prohibited Miulli from engaging in surgery on the central nervous system and spine, (2) required Miulli to complete a comprehensive competency evaluation and an educational plan designed to address his deficiencies, and (3) allowed him, after successfully completing the plan, to “petition the Board to rescind the indefinite prohibition on his practice of surgery on the central nervous system and spine.” The petition was to include a “written proposed monitoring plan” which, if approved, would remain in effect during a five year probationary period. Miulli sought judicial review of the Board’s decision. Our court affirmed. *Miulli v. Iowa Bd. of Medical Exam’rs*, No. 03-0319 (Iowa Ct. App. April 28, 2004).

Miulli completed his evaluation and, with the Board’s approval, began an educational plan in California. Miulli subsequently filed an application to lift the restrictions on his Iowa license. The Board denied his application on the ground that he failed to submit the required “written proposed monitoring plan” and impermissibly sought “immediate termination of any terms of probation.” Miulli later renewed his request to have the license restrictions lifted. The Board again denied the request.

Miulli filed a petition for judicial review of the Board’s denials. The district court affirmed the agency actions.

On further judicial review, Miulli contends the Board exceeded its authority by refusing to lift the restrictions imposed on his Iowa license. He also contends

the Board does not have the authority to impose what he contends are “lifetime licensing restrictions and lifetime probation requirements” on licensees who practice in another State. The district court’s detailed ruling addressed both these contentions. We find no reason to disagree with the court’s thoughtful analysis. Because our conclusions are the same, we affirm the agency actions. See *Hill v. Fleetguard, Inc.*, 705 N.W.2d 665, 669 (Iowa 2005).

AFFIRMED.