

BEFORE THE IOWA BOARD OF PHYSICIAN ASSISTANTS

IN THE MATTER OF)	CASE NO: 2024-0265
)	DIA NO: 25DBPA0001
JAMES HAAG,)	
)	FINDINGS OF FACT,
RESPONDENT)	CONCLUSIONS OF LAW,
)	DECISION AND ORDER

On December 19, 2024, the Iowa Board of Physician Assistants (Board) found probable cause to file a Notice of Hearing and Statement of Charges against Respondent James Haag (Haag), alleging that Haag violated 481 Iowa Administrative Code r. 783.2 by engaging in unethical conduct or practice harmful or detrimental to the public and Iowa Code § 147.55(7) by willfully and repeatedly violating the provisions of Iowa Code chapters 272C and 148C. The Board also issued an Emergency Adjudicative Order (Emergency Order) immediately suspending Respondent's physician assistant license pending the outcome of an evidentiary hearing.

An evidentiary hearing was held on February 7, 2025. James Haag appeared. He was represented by attorney Trent Nelson. Assistant Attorney Generals, Lindsey Browning and David Merchan, represented the State of Iowa. A quorum of the Board was present, and witness testimony was presented. The entire administrative file, including parties' exhibits, was admitted into the record.

The hearing was closed to the public at Respondent's election, pursuant to Iowa Code § 272C.6(1). After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code § 21.5(1)(f), to deliberate its decision. The administrative law judge, Rachel Morgan, was directed to draft the Board's written decision, consistent with the deliberations, for Board review and approval.

FINDINGS OF FACT

A. Background

James Haag is a licensed physician assistant. Haag obtained his license on September 13, 1993. Prior to the Board's Emergency Order, Haag was employed with MercyOne Occupational Health Clinic (MercyOne OHC) in Cedar Falls, Iowa providing occupational health services, including employment physicals. Haag Testimony; Ex. 2 at 4.

Unlike most medical exams, employment physicals are not initiated by the patient, but rather their employer. An employer will contract with MercyOne OHC to provide physicals to their employees to ensure that employees are physically capable of performing their employment duties. On occasion, employers will specify certain exams or tests that they would like a physician to complete. If an employer does not specify what exams or tests it wants completed, MercyOne OHC physicians will conduct a standard employment physical which includes, among other things, checking a patient's heart, lungs, back, and abdomen for hernias. Haag Testimony; Dietrich Testimony.

It is MercyOne OHC's policy that patients disrobe and wear a gown during employment physicals. The gown is open in the back with two ties: one tie at a patient's neck and a second tie lower on the patient's back. Patients are allowed to keep on their bras, underwear, and socks. It is also customary that female patients are offered a chaperone (a female medical assistant or nurse) when a male provider is performing their employment physical. Dietrich Testimony; Ex. 2 at 20-21.

The allegations in this case concern Haag's examination of patients' heart, back, and abdomen. Haag reported that when listening to a patient's heart, it is his practice to place his stethoscope under the patient's gown directly on the patient's skin. The back exam requires a patient to bend over at the waist so that the physician can determine whether the patient has scoliosis. Haag testified that during his exam of a patient's back, he requires a patient's gown to be untied at the bottom so he can have a clear view of a patient's back. The hernia exam on a female patient involves pressing on the four quadrants of a patient's abdomen and having the patient perform a crunch. The exam involves touching a female lower on the abdomen, but does not require touching at or near a female patient's genitalia. Haag testified that he always requests a chaperone be in the room during a female hernia exam for his "protection" since he is required to touch a female's lower pelvic area. Haag Testimony.

B. Allegations

In June 2024, CedarStone Senior Living (CSSL) came under new ownership. CSSL's new owners required all employees to obtain employment physicals at MercyOne OHC. A.M. Testimony; Ex. 2 at 7.

On July 2, 2024, A.L., a CSSL employee, received an employment physical by Haag. Ex. 8. After her physical, A.L. called another CSSL employee, C.L., in tears stating that she believed she had been sexually assaulted during her physical. C.L. initially told A.L. that she was probably overreacting because she had never had a physical performed by a male provider. A.L. Testimony; C.L. Testimony; Ex. 9 at 9.

On July 10, 2024, C.L. received her employment physical from Haag. That evening, C.L. returned to CSSL and spoke with Craig Bennet, a CSSL sales coordinator. C.L. stated that she was depressed, didn't feel like herself, and felt as if she had been "sexually assaulted." Bennett Testimony; Ex. 2 at 38. C.L. told Bennet that Haag had grabbed her breast and spent an "unusually long time around her pubic hair area" which made her uncomfortable. *Id.* A few minutes later, A.L. joined C.L. and Bennett. A.L. confirmed that Haag had touched her during her employment physical and made her feel uncomfortable. *Id.*

In response to C.L.'s and A.L.'s disclosures, Bennett called A.M., assistant executive director of CSSL and in charge of human resources. A.M. came to CSSL and asked A.L. and C.L. to write statements regarding their experience in separate rooms. Eventually two Cedar Falls police officers came to speak with A.L. and C.L. about their experience with Haag. *Id.*

On July 17, 2024, A.M. sent a letter to all CSSL employees. Ex. 5. The letter acknowledged reports of concerning incidents during employee physicals at MercyOne OHC and encouraged

staff to report to A.M. if they had experienced anything unusual. As described below, four women experienced feeling uncomfortable or violated during their employment physicals with Haag.

1. A.L.

On July 2, 2024, A.L. went to MercyOne OHC for her employment physical. A.L. was approximately nineteen years old at the time of her appointment. A.L.'s physical with Haag was her first employment physical and her first physical with a male provider. A.L. Testimony; Ex. 8.

A.L. reported to police investigators that when Haag came into the exam room, he knocked but did not wait for a response, coming into the room while A.L. was still tying her gown. Haag came into the room by himself; there was not a chaperone with him. A.L. Testimony; Ex. 2 at 12.

Haag began the employment physical by examining A.L.'s back. Haag asked A.L. to stand up and bend over. As A.L. bent over, Haag untied her gown and she could feel his body against her buttocks. When A.L. performed a squat, Haag moved forward behind her so A.L.'s buttocks hit his leg. Haag kept his hand on her lower back during the exam. A.L. was wearing thong underwear and felt exposed. After she stood up from the squat, A.L. started to retie her gown, but Haag told her to hold her arms out and she could not retie her gown. *Id.*

Haag then checked A.L.'s heart and lungs. When Haag checked A.L.'s heart, he placed his hand under A.L.'s gown and let his hand drop inside A.L.'s bra, cupping the top side of A.L.'s left breast and touching her nipple. A.L. reported that she has never had another physician do this before. *Id.*

Haag next performed a hernia exam. A.L. laid back on the exam table. Haag lifted A.L.'s gown to her bra line and he put a sheet on her. Haag started the hernia exam at A.L.'s hip bone, moved down to her groin area, and eventually cupped A.L.'s vaginal area with his hand. A.L. told police investigators that Haag's fingers pressed down in the area where she would "put a tampon in." *Id.*; Ex. 28.

Medical assistant Shirley Gardner, came in at that moment to chaperone. When Gardner came into the room, Haag quickly removed his hands from A.L.'s vagina. Haag told A.L. that he was going to check for a hernia. Haag performed a second hernia exam while Gardner was in the room. This time, Haag pressed A.L.'s abdomen while she did crunches. The chaperone, Gardner, was only present in the room for 1-2 minutes. A.L. left her physical feeling uncomfortable and violated. *Id.*

2. C.L.

On July 10, 2024, C.L. received an employment physical from Haag. C.L. was approximately twenty-three years old at the time of her physical and worked as a care partner at CSSL. C.L.'s physical with Haag was her first employment physical and her first physical with a male provider. C.L. Testimony; Ex. 9.

At the beginning of C.L.'s physical, a medical assistant took C.L. to her exam room and told her that a doctor would come in with a female nurse to do the physical. Shortly thereafter, Haag

came into the room alone. Haag untied both the top and bottom ties on C.L.'s gown and listened to C.L.'s heart and lungs. When listening to C.L.'s heart, Haag held his stethoscope between two fingers and placed his stethoscope under C.L.'s gown. The fingers that were not holding the stethoscope dropped and cupped the top of C.L.'s left breast. C.L. Testimony; Ex. 2 at 10-11.

Haag next asked C.L. to stand. When she stood, she tried to tie the bottom of her gown, but Haag moved her hands out of the way. Haag asked C.L. to bend forward and touch her toes. As she bent forward, he placed his left hand on the left side of her pelvis and his right hand on her back. C.L. stated that she could feel Haag's pelvic area pressed into her back side and she felt very uncomfortable. C.L. was wearing thong underwear and was completely exposed. When she stood back up again, she started to retie her gown and Haag said she didn't need to retie her gown because she was going to lie down. *Id.*

C.L. laid on the exam table for the hernia exam. Haag lifted her gown over her breast and began pressing on her stomach. Haag inched his hand down C.L.'s abdomen until his left hand was on top of her vagina. Haag left his hand there for a few moments. At this point, Diana McCready, a LPN, knocked on the door and Haag moved his hand and pulled C.L.'s gown down. C.L. reported that the chaperone, McCready, did not enter the room until she was sitting up and the exam was over. *Id.*

3. A.M.

On July 1, 2024, Haag performed an employment physical on A.M. At the time of her physical, A.M. was approximately twenty-four years old and was CSSL's assistant executive director. A.M. has an extensive medical history and has participated in numerous medical exams. A.M. Testimony; Ex. 10.

A.M. reported that a medical assistant told her that her provider was a male and therefore she would have a female nurse as a chaperone. Despite being told she would have a chaperone, Haag came into the room by himself. A.M. Testimony; Ex. 2 at 9-10, 19-20.

When Haag examined A.M.'s heart and lungs, Haag untied A.M.'s gown at the top and bottom. A.M. thought that it was strange that Haag untied her gown, so she asked him why he did so. Haag simply told her that he needed the gown untied. Haag listened to her lungs and A.M. tried to retie her gown, but he pushed her hands away. Haag then pulled A.M.'s gown forward and listened to her heart and lungs under the gown. Haag placed his stethoscope under A.M.'s gown and she felt his fingers "wandering" down to her bra. *Id.*

Haag next asked A.M. to lie down. Haag pressed on A.M.'s stomach with her gown down. He moved his hands down her pelvis and touched the top of her vagina with his palm and his fingers pointing down and in between her legs. A.M. Testimony; Ex. 2 at 19-20. Haag then left the exam room and asked for a chaperone. Haag returned with Gardner and stated that he needed to perform a hernia exam. A.M. replied that Haag had already performed the exam. Haag performed a hernia exam again, pressing only on A.M.'s abdomen. Haag did not touch A.M.'s vagina while Gardner was in the room. *Id.*

4. A.G.

On July 10, 2024, Haag performed an employment physical on A.G. At the time of her exam, A.G. was approximately twenty-eight years old and she was employed by CSSL. She has two children and has had a number of medical exams. A.G. Testimony; Ex. 2 at 13-14; Ex. 11.

When A.G. was taken back to her exam room, a nurse told her that a male provider would perform a hernia exam. A.G. asked the nurse if a female could do her physical and the nurse stated that there would be a female in the room the entire time. A.G. Testimony; Ex. 2 at 13-14.

However, Haag came in A.G.'s exam room alone. Haag checked A.G.'s heart and lungs. While Haag checked her heart, A.G. felt his pinky and ring fingers rubbing her breast. A.G. stated that Haag's fingers were inside her bra, within millimeters of touching her areola. A.G. froze. *Id.*

Haag then asked A.G. to stand. A.G. recalled repeatedly trying to hold her gown closed, but Haag kept moving her hands away. A.G. had on "cheekies" underwear which left her backsides exposed. When A.G. was bending over, A.G. looked up and saw Haag in the mirror with a smirk on his face. Haag's body was not touching hers during the test, but A.G. felt that he was standing close. *Id.*

A.G. then sat on the exam table for the hernia exam. A female staff member, Rebecca Kline, came into the room. Haag first touched A.G.'s abdomen. A.G. then felt his fingers touch her vaginal lips, under her underwear with more pressure on her right side because Haag was standing on the right. When Haag touched her vagina, A.G. flinched and Haag abruptly said he was done with the exam. When Haag touched A.G.'s vagina, Kline was not looking at Haag or A.G.; she was looking at the wall. A.G. stated she has had a lot of physicals in her life, but never like the one Haag performed. *Id.*

C. Investigation

When the Board received reports of the above allegations, it assigned Anne Ryan, a Board investigator, to investigate the allegations. Ryan began her investigation by reviewing police interviews with the female patients and interviewing the female patients herself. Ex. 2.

Ryan also interviewed MercyOne OHC staff. Sara Dietrick is MercyOne OHC's clinical supervisor and manager. Dietrick confirmed that all employment physicals are performed with patients in gowns with the gown tied at the top and open in the back. Dietrick stated that typically Haag will have a chaperone in the room for female patient hernia exams. When Haag is ready for the hernia exam, Haag will step out of the room and tell a female staff member that he needs a chaperone. Dietrick confirmed that a hernia exam is done by pressing on the abdomen and also the upper crease of the thigh. Ex. 2 at 20-21.

When asked about untying a patient's gown, Dietrick stated that there is no reason for a gown to come off, but a provider might untie the gown to check a patient's back and abdomen. Dietrick stated that providers will typically check heart and lungs over the gown since the gown is thin, but they may also reach through the top of the gown. Dietrick reported that she has received no prior complaints about Haag. *Id.*

Ryan then spoke to five MercyOne OHC medical assistants and nurses who have worked with Haag. Of note, Ryan spoke to Gardner who chaperoned A.L.'s and A.M.'s physicals, Kline who chaperoned A.G.'s exam, and McCready who chaperoned C.L.'s exam. Gardner is a certified medical assistant and has known Haag since 2017. Gardner stated that she does not specifically remember either A.L.'s or A.M.'s exams. However, Gardner reported that Haag will perform a portion of an employment physical without a chaperone and when he is ready to perform the hernia exam, he will leave the exam room and request that a chaperone come in the room. Gardner stated that she has never felt uncomfortable chaperoning an exam with Haag. Gardner confirmed that she signed A.L.'s and A.M.'s forms as a chaperone. Gardner Testimony; Ex. 2 at 23-24.

Diana McCready chaperoned C.L.'s physical. McCready is an LPN and has worked at MercyOne OHC for one year and three months. McCready does not specifically remember C.L.'s physical. However, McCready stated that she is normally in a patient's room for the entire physical. McCready also does not recall a time that Haag went into a room without a chaperone or called someone in the exam room part way through a physical. McCready stated that when she is finished chaperoning, McCready signs her name on the bottom of the patient's medical form and confirmed that her signature is on the bottom of C.L.'s medical form. However, the word "chaperone" appears next to her name and the word is not in her handwriting. She does not know who wrote the word "chaperone." McCready feels comfortable around Haag and has no reason to believe he has been unprofessional. McCready Testimony; Ex. 2 at 30-31.

Rebecca Kline is a medical assistant and chaperoned A.G.'s physical. Kline does not specifically recall A.G.'s exam with Haag. Unlike McCready, Kline does not typically chaperone an entire physical. Rather, she believes that providers will do the first part of the physicals by themselves and then come ask a female staff member to chaperone only the hernia exam. Kline stated that when she chaperones a physical, she looks around the room and does not "just stare at the patient" because she does not want the patient to feel uncomfortable. Ex. 2 at 25. Kline believes that Haag always comes to get someone to chaperone during the abdominal portion of a physical. Kline has never felt uncomfortable with Haag. She verified that her signature is at the bottom of A.G.'s medical form. However, she did not write the word "chaperone" next to her name. She believes that Haag wrote the word "chaperone." Kline Testimony; Ex. 2 at 25-26.

On October 24, 2024, Ryan interviewed Haag. Ex. 2 at 34-37. Haag first explained how he performs a typical employment physical. Haag stated that he unties the top tie of a patient's gown and listens to their lungs and heart in the back and front under the gown. Haag stated he does not listen over the gown because the gown can cause scratchy noises. Haag admitted that he does not always tell a patient what he is doing because he goes on "autopilot." *Id.*; Haag Testimony.

Haag reported that in "every female exam" prior to the hernia and abdomen exam, Haag places a sheet over a patient's lap and leaves the exam room to ask for a female chaperone. Ex. 2 at 34. When performing a hernia exam, Haag pulls the sheet down to the female patient's underwear line and palpates all four quadrants of the abdomen. He then checks for an umbilical hernia. He next checks for an inguinal hernia. Haag said he places the ends of two to three fingers over the patient's underwear in the inguinal canals and has the patient do a partial sit-up to test for

hernias. The inguinal canals are located on the front of the legs in the lower abdomen. Haag stated that no “rational” person would be confused between pushing on the inguinal canals and having a hand on a vagina. Haag Testimony; Ex. 2 at 35; Ex. 30.

When Ryan asked Haag about the allegations, Haag stated, “Lies.” Ex. 2 at 35. Haag denied all the allegations, including touching breasts, pushing women’s hands away when they tried to hold their gowns closed or retie their gowns, and touching the vaginal area during a hernia exam. Haag stated there is no medical reason to touch someone’s vagina while checking for a hernia, even accidentally. *Id.*

Haag admitted that he has had one other complaint by a patient. The patient was a female and she alleged that he was inappropriate during her physical. However, Haag believes the allegation was made in retaliation because he had placed work restrictions on her. In regards to the current allegations, Haag could not offer a reason why the patients would make false allegations against him. His only thought was that the patients made the allegations for financial reasons because they have low paying jobs. Ex. 2 at 36.

On November 4, 2024, the Board investigator spoke to Micki Brodhead, the former receptionist at CSSL. Brodhead verified that C.L. came in and spoke to Bennett about her physical with Haag. Brodhead recalled that A.L. came in to the office and C.L. encouraged A.L. to share her experience. Brodhead did not get the impression that C.L. and A.L. had shared a lot of details about their physicals prior to that evening. Brodhead said that C.L. and A.L.’s reaction to each other was “it wasn’t just me.” Brodhead said their language was natural and not rehearsed. Ex. 2 at 40-41; Brodhead Testimony.

D. Hearing

As a result of Ryan’s investigation, the Board found probable cause to file charges against Haag. An evidentiary hearing was held on February 7, 2025. At the February 7 hearing, Haag denied any wrongdoing. Haag raised credibility issues arguing that the four patients are friends, work for the same employer, and were mistaken about what occurred during their exams. He argued that the allegations are an anomaly in his approximately thirty-year career as a physician assistant. In addition, Haag relies heavily on the fact that he had chaperones in the room when providing the hernia exams as evidenced by staff member’s signatures on the patients’ medical forms. Haag argued that if the Board believes the patients’ testimony, it would have to find a conspiracy by MercyOne OHC employees to protect Haag.

CONCLUSIONS OF LAW

The Board was created by the legislature pursuant to Iowa Code § 148C. The Board has the responsibility to establish qualifications to obtain a physician assistant license and to enforce Board standards through disciplinary actions after a physician assistant is licensed. Iowa Code § 148C.3(1). The Board has a range of disciplinary options, including revocation, suspension,

probation, requiring additional education or training, civil penalties, and a citation and warning. Iowa Administrative Code r. 645-13.1.

The burden of proof in a disciplinary action is on the State by a preponderance of the evidence. *See, e.g., Eaves v. Bd. of Med. Examiners*, 467 N.W.2d 234, 237 (Iowa 1991). The Board's factual findings must be supported by "substantial evidence when the record is viewed as a whole." *Board of Dental Examiners v. Hufford*, 461 N.W.2d 194, 198 (Iowa 1990) (citations omitted). "Substantial evidence" is defined as "the quantity and quality of evidence that would be deemed sufficient by a neutral, detached, and reasonable person, to establish the fact at issue when the consequences resulting from the establishment of that fact are understood to be serious and of great importance." Iowa Code § 17A.19(10)(f)(1).

In this case, the balance of the record indicates that Haag's physician assistant's license should be suspended. As discussed below, the State has proved by a preponderance of evidence that Haag engaged in unprofessional or unethical conduct in violation of Iowa Administrative Code r. 481-783.2 and repeatedly violated Iowa Code chapters 272C and 148C and Iowa Code § 147.55 by inappropriately touching four female patients.

A. Count I: Knowingly Engaging in Unethical Conduct or Practice Harmful or Detrimental to the Public.

Count I allege a violation of Iowa Administrative Code r. 481-783.2. Rule 481-783.2 states that the Board may impose disciplinary sanctions if a physician assistant is found to have engaged in unethical conduct or practice that is deemed harmful or detrimental to the public.

In this case, four female patients have alleged that Haag inappropriately touched them by touching their breasts and genitals. In response, Haag has denied the allegations. This raises, as in many cases involving allegations of sexual assault and/or harassment, issues of credibility.

There are many factors used when considering the credibility of witness testimony. Some of the most common standards are as follows:

1. Whether the testimony is reasonable and consistent with other evidence you believe.
2. Whether a witness has made inconsistent statements.
3. The witness' appearance, conduct, age, intelligence, memory and knowledge of facts.
4. The witness' interest in the trial, their motive, candor, bias and prejudice.

State v. Holtz, 548 N.W.2d 162, 163 (Iowa Ct. App. 1996). For the reasons discussed below, the Board finds the patients' allegations of inappropriate touching credible.

First, all four patients have made consistent statements regarding their individual experiences with Haag. In regards to C.L., she described her experience with Haag on four separate occasions: (1) to her colleague Craig Bennett; (2) in a written statement to the police; (3) to a police investigator on July 19, 2024; and (4) at the February 7 hearing. *See* C.L. Testimony; Bennett Testimony; Ex. 2 at

10-11, 38-39, Exs. 14, 18. In all four instances, C.L. consistently reported the following details: (1) Haag cupped her left breast while holding the stethoscope; (2) Haag pressed and worked his way down her abdomen until he placed his left hand on top of her vagina; and (3) a chaperone did not come into her exam room until the end of the physical. C.L. also repeatedly stated that she “froze” in response to Haag’s inappropriate touching. C.L. Testimony; Ex. 2 at 11.

Similarly, A.L. has made consistent statements regarding her physical with Haag. A.L. described her experience with Haag in a written statement for the police, in a police interview on July 19, 2024, and at the February 7 hearing. A.L. Testimony; Ex. 2 at 12, 18; Ex. 19. On all occasions, A.L. has consistently reported that Haag: (1) covered her breast with his left hand while listening to her heart; (2) Haag worked his way down her abdomen until he cupped her vaginal area with his hand and he pressed down on the area “where she puts a tampon in;” and (3) Haag performed the hernia exam twice, once without a chaperone in the room and again with the chaperone in the room. *Id.*

A.G. made four statements regarding her exam with Haag. She wrote an email to A.M. describing her experience, spoke to a police investigator on July 18, 2024, spoke to the Board’s investigator, and testified at the February 7 hearing. A.G. Testimony; Ex. 2 at 13-15, 27-28; Ex. 20. In all four statements, A.G. reported the following: (1) Haag’s fingers rubbed her breast while he checked her heart; (2) Haag touched her vagina lips, under her underwear, placing more pressure on the right side because Haag stood on the right side of her; and (3) a chaperone was with her during the hernia exam but did not look at her or Haag during the exam. A.G. also testified that she has had hernia exams before and none of her previous exams involved the provider’s hands near her vagina. *Id.*

Finally, A.M. has made consistent statements regarding her experience with Haag. A.M. reported during a police interview on July 16, 2024 that Haag pressed on her stomach, moved down to her pelvis, and felt “all the way down” and “in between.” Ex. 2 at 9-10, 19-20. A.M. clarified with Investigator Ryan and at the February 7 hearing that when she stated Haag went “all the way down,” she meant that Haag touched the top of her vagina with his palm and his fingers were pointed down and in between her legs. A.M. has also consistently stated that Haag performed her hernia exam twice. The first exam was not in the presence of a staff chaperone and involved Haag inappropriately touching her vaginal area. The second exam was in the presence of a staff chaperone and involved no touching of her vaginal area. A.M. also testified that while listening to her heart, Haag’s fingers “wandered” down her bra and when he listened to her back, his fingers did not wander. Although A.M. did not initially disclose Haag’s inappropriate touching, A.M. testified that she did not feel comfortable disclosing her experience to the male police officers who came to interview A.L. and C.L. at CSSL. In addition, A.M. did not consider herself a “victim” or believe that she had been “assaulted.” A.M. only felt “violated.” Once A.M. did disclose her experience with Haag, A.M. consistently recalled specific details about her physical with Haag.¹

In addition to making consistent statements regarding their experiences, the Board notes that all four patients recounted similar behavior from Haag. All four patients stated that when Haag touched their

¹At the February 7 hearing, A.M. explained that she did not feel comfortable disclosing her experience to the two male police officers who interviewed A.L. and C.L. She also stated that when the police initially interviewed A.L. and C.L. at CSSL, she was acting in her capacity as CSSL’s human resources manager and was focused on the employees. The Board finds A.M.’s explanation credible. A.M. later disclosed her experience with Haag to a female police investigator (stating that Haag touched her “in between her legs” and touched her in the vaginal area when “he did the pelvic”) and to the Board’s investigator, Anne Ryan. Exs. 2 and Q.

breasts, he held his stethoscope in a way that allowed his fingers to fall down and touch their breasts. Similarly, all four patients described Haag touching their vaginas in a similar way, *i.e.*, he worked his way down their abdomen until his hand was in their vaginal area and he either touched their vaginas on the top or on the side. And all four patients stated that Haag refused to allow them to retie their gowns, either by telling them they could not do so or by moving their hands away from the ties.

Finally, there is nothing in the record that indicates that the patients have any motivation to make false reports. The patients had never met Haag prior to their exams and none of the patients received any personal gain from making their allegations. Although Haag speculated that the patients made false reports for financial reasons, no civil cases have been filed by any of the patients against Haag or his employer, MercyOne, and there is no evidence that the patients have benefited financially from making their allegations.

In his defense, Haag has consistently denied that he inappropriately touched the four patients. Although Haag does not specifically remember any of the four patients, Haag testified that he never checks a female patient for a hernia without a female staff member present. Haag relies heavily on the fact that the patients' medical forms are signed by female staff chaperones as evidence that the alleged sexual assaults did not occur.

However, the fact that female staff members signed patient forms does not necessarily mean that the assaults did not occur. By his own admission, Haag spent several minutes alone in an exam room with female patients prior to requesting a chaperone's presence. Haag testified that during a normal physical a chaperone is only present for the last few minutes when he checks for a hernia. Consistent with Haag's testimony, three patients, A.L., A.M., and C.L., testified that Haag's inappropriate touching occurred prior to a chaperone entering the room. Indeed, two patients, A.L. and A.M., testified that Haag performed their hernia exam twice, once without the chaperone and once with the chaperone. Consequently, the fact that female staff members signed A.L., A.M., and C.L.'s medical forms indicating that they "chaperoned" Haag's exam does not exonerate Haag. Haag had time and opportunity to inappropriately touch A.L., A.M. and C.L. before a chaperone entered the exam room.

At the hearing, Haag attempted to discredit A.L.'s and C.L.'s testimony because they recalled that a female chaperone knocked on the door of their exam room. Haag testified that female staff members never knock on an exam door during a physical. Rather, female staff wait for a provider to come let them know it is time to chaperone a hernia exam. MercyOne OHC medical professionals, McCready and Gardner, corroborated Haag's testimony. Both testified that they customarily wait for a provider to let them know when they are ready for a chaperone before entering an exam room. McCready Testimony; Gardner Testimony. The Board is confident that both McCready and Gardner credibly testified about how providers customarily request chaperones. However, MercyOne OHC has a high volume of patients and neither McCready nor Gardner could specifically remember C.L.'s and A.L.'s physicals. *Id.* In light of the consistent, clear testimony from the patients and the fact that McCready and Gardner could not specifically recall C.L. and A.L.'s exams, the Board finds C.L. and A.L.'s testimony regarding their experience with chaperones credible.

In regards to A.G., A.G. is the only patient who testified that Haag inappropriately touched her while a chaperone was present in the room. A.G. testified that the female chaperone did not watch Haag perform her hernia exam, instead the chaperone looked at the wall or the cabinets during the exam.

The female staff member who chaperoned A.G.'s exam, Rebecca Kline, corroborated A.G.'s statement. Kline testified that she does not watch the hernia exam, but will look at the patient's face or "around the room." Kline Testimony. Given that Haag only briefly touched A.G.'s vagina during her hernia exam and Kline does not specifically watch Haag perform a hernia exam, the fact that Kline was in the room as a chaperone for A.G.'s exam does not mean that inappropriate touching did not occur.

Finally, it is not lost on the Board that Haag's meticulous documentation of a chaperone's presence is in stark contrast to his careless documentation of a medical exam itself. *See e.g.*, Exs. 8-11. Haag testified about his careless approach to documenting a physical, stating that he at times checks a box on a medical form indicating that he has performed a certain part of a medical exam even though he has not. Haag also received low marks on performance evaluations for his documentation practices. *See* Ex. 29 at 431. On the other hand, Haag was meticulous about obtaining chaperone signatures on his medical forms, even writing the word "chaperone" next to a signature if the chaperone forgot to write it herself. Kline Testimony. The fact that Haag was very careful to obtain chaperone signatures when he otherwise was not careful about documentation supports a conclusion that Haag wanted a written record that he could use for his "protection" should a patient ever complain about an exam. Haag Testimony.

Under this record, after weighing the testimony of the four patients against Haag's testimony and the testimony of the medical staff who worked with Haag, the Board finds the testimony of C.L., A.L., A.G. and A.M. credible. The Board concludes that Haag inappropriately touched C.L., A.L., A.G. and A.M.'s breasts and genitalia while conducting employment exams in July 2024.

Having determined that Haag inappropriately touched the four patients, the Board concludes that Haag's conduct is unethical and in violation of Iowa Administrative Code r. 481-783.2. Haag inappropriately touched all four patients in a way that Haag could and did argue were for medical reasons. Haag touched the patients' breasts while examining their hearts by letting his fingers slide down to the top of their breasts. Haag touched the patients' vaginal areas while performing a hernia exam that requires the medical professional to exam the lower abdomen area. The result of this behavior was to leave the patients questioning whether they had actually been assaulted or not. But there is no doubt – Haag's behavior was inappropriate and unethical. Haag used his position of power as a medical professional to inappropriately touch vulnerable female patients, patients that were required to undergo a physical in order to maintain employment. Haag's behavior is unethical and is contrary to the standards for physician assistants under Iowa Code chapter 148C, Iowa Code chapter 272C, and Iowa Administrative Code rule 481-783.2.

B. Count II: Willfully or Repeated Violations of the Provisions of Iowa Code chapters 272C and 148C in violation of Iowa Code § 147.55.

Count II alleges that Haag engaged in repeated violations of Iowa Code chapters 272C and 148C in violation of Iowa Code § 147.55. Iowa Code § 147.55 and Iowa Code chapter 272C provide that a health-related professional's license may be suspended or revoked for repeated unethical conduct or practice harmful or detrimental to the public.

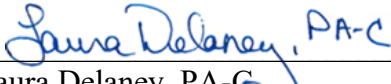
For the reasons discussed above, the Board concludes that Haag inappropriately touched multiple female patients' breasts and vaginal areas without medical reason. Haag's behavior is contrary to the standards for physician assistants under Iowa Code chapter 148C, Iowa Code chapter 272C, and is in violation of Iowa Code § 147.55.

DECISION AND ORDER

IT IS THEREFORE ORDERED that the physician assistant license of JAMES HAAG is hereby SUSPENDED for a minimum of three years.

IT IS FURTHER ORDERED that prior to any reinstatement of his physician assistant license, Respondent must undergo a Clinical Competence Assessment at the Center of Personalized Education for Professionals (CPEP). Respondent shall comply with any recommendations for treatment and/or training made as a result of the evaluation and must successfully complete any recommended training. Respondent shall ensure that the Board receives a copy of his evaluation and recommended training from CPEP within 30 days of the completion of the evaluation and provide proof of completion of all recommended treatment and/or training. Respondent is responsible for all costs of the evaluation and the costs of any treatment, training, and/or counseling.

Dated this 23rd day of April, 2025.



Laura Delaney, PA-C
Iowa Board of Physician Assistants

Any aggrieved or adversely affected party may seek judicial review of this decision and order of the board, pursuant to Iowa Code section 17A.19.