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## Board rules that doctor must pay patients for unapproved IUDs

**By Anne Constable**

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The state's Medical Board negotiated a settlement with one doctor who purchased foreign birth-control devices for her patients and admonished another for failure to cooperate with an investigation.

Dr. Barbara Van Eeckhout, who bought intrauterine birth-control devices from an online Canadian pharmacy that were not approved by the U.S. Food and Drug Administration, must notify patients who received the Mirena IUD of their right to reimbursement.

That condition was part of a negotiated settlement unanimously approved Thursday by the New Mexico Medical Board.

Van Eeckhout also billed patients and insurance companies at the higher rate for FDA-approved IUDs, according to the board.

Under the settlement agreement, Van Eeckhout must notify all insurance companies and patients of their right to reimbursement before the end of the year. Then, by July 31, 2016, she must provide an accounting of the reimbursements to the medical board. She must also pay the board \$17,000 for the cost of the investigation.

Van Eeckhout's lawyer, Nancy Hollander of Albuquerque, said, "She's a good doctor. There was no question about her competence or care of her patients and no action against her license."

Van Eeckhout, an OB/GYN, had her own practice in Santa Fe until September 2013, when she joined Northern New Mexico Women's Health Center in Los Alamos.

In a second case Thursday, a physician accused of unnecessarily treating a child from Los Alamos will receive a letter of admonishment for not cooperating in an investigation but no other punishment, the medical board decided.

Dr. Kenneth Stoller, who once owned the Hyperbaric Medical Center in Santa Fe, administered a series of oxygen treatments to the child in 2009 for developmental delays, an off-label use of the therapy.

The board voted to accept the report by the hearing officer, Jennifer G. Anderson, who concluded that Stoller did not treat the child for nonexistent conditions or cause her “unnecessary risk of harm.”

Anderson, however, found that Stoller, a pediatrician, violated the state’s Medical Practice Act by failing to turn over records to another doctor who was investigating possible medical child abuse by the patient’s mother. The state removed the child from the mother’s care for a time.

Stoller testified that he didn’t trust the investigating doctor and that the child’s mother had asked him not to cooperate. In addition, Stoller pointed out, the investigating doctor did not subpoena the records. Stoller told the board at a hearing earlier this year that the complaint against him was filed in retribution for his support of the mother.

On a divided vote, the board agreed that a letter would be sent to Stoller admonishing him for his failure to cooperate.

The text of the letter was lifted from Anderson’s report and says: “Perhaps more so than in any other situation, where there is a suspicion of child abuse, the board’s licensees should be prepared to set aside any differences between them and work together to share information in an effort to aid in a determination regarding the safety and well-being of the suspected victim.”

Stoller will also be assessed the cost of the board’s investigation.

“We are obviously thrilled,” said Kate Ferlic, Stoller’s attorney. The board, “did nothing, essentially,” she said.

A spokeswoman for the medical board said the action of the board is reportable to the National Practitioner data bank.

Stoller, who closed his clinic in Santa Fe and now is chief of hyperbarics at the Oxygen Clinic of San Francisco, splits his time between the two cities.

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