

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LISA M. (MOFLE) AGUIRRE, M.D., RESPONDENT

FILE Nos. 02-12-259 & 02-12-563

TERMINATION ORDER

Date: May 2, 2014.

1. Respondent was issued Iowa medical license no. 31043 on February 2, 1996.
2. Respondent's Iowa medical license is active and will next expire on July 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who practices family medicine in Webster City, Iowa.
5. On August 30, 2013, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with inappropriate prescribing and unprofessional conduct. The Board alleged that Respondent prescribed controlled substances, including Hydrocodone (twice) and Lyrica to a member of her immediate family on multiple occasions between January 2009 and October 2011, and failed to appropriately respond to the emergency department at Hamilton County Hospital in Webster City, Iowa, on multiple occasions when she was designated as an on-call physician, between October 2008 and July 2012.

6. Under the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered her to pay a \$2,500 civil penalty. The Board also ordered her to successfully complete a Board-approved prescribing course and professional ethics program and submit a written corrective action plan which describes the steps she has taken to ensure that she appropriately responds to the emergency department when she is on-call in the future.

7. Respondent has demonstrated that she has successfully completed the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement. She has paid the \$2,500 civil penalty and has successfully completed a Board-approved prescribing course and professional ethics program and submitted a written corrective action plan which describes the steps she has taken to ensure that she appropriately responds to the emergency department when she is on-call in the future.

THEREFORE IT IS HEREBY ORDERED: that the terms and conditions of Respondent's order are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

IOWA BOARD OF MEDICINE



Hamed H. Tewfik, M.D., Chairman
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

May 2, 2014

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LISA M. (MOFLE) AGUIRRE, M.D., RESPONDENT

FILE Nos. 02-12-259 & 02-12-563

**STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board) and Lisa M. (Mofle) Aguirre, M.D., (Respondent), on August 30, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 31043 on February 2, 1996.
2. Respondent's Iowa medical license is active and will next expire on July 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Inappropriate Prescribing:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 23.1(7) for violating the laws and rules governing the practice of medicine in Iowa when she prescribed controlled substances to a member of her immediate family.

COUNT II

5. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) for engaging in unethical or unprofessional conduct in the practice of medicine when she failed to appropriately respond to the emergency department at the hospital when she was on-call.

STATEMENT OF MATTERS ASSERTED

6. Respondent is an Iowa-licensed physician who practices family medicine in Webster City, Iowa.

7. The Board alleges that Respondent prescribed controlled substances, including Hydrocodone (twice) and Lyrica to a member of her immediate family on multiple occasions between January 2009 and October 2011, in violation of the laws and rules governing the practice of medicine.

8. The Board alleges that Respondent failed to appropriately respond to the emergency department at Hamilton County Hospital in Webster City, Iowa, on multiple occasions when she was designated as an on-call physician, between October 2008 and July 2012. Respondent received multiple warnings and was ultimately suspended by the hospital.

SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the laws and rules governing the practice of medicine in Iowa when she prescribed controlled substances to a member of her immediate family on multiple occasions between January 2009 and October 2011 and when she failed to respond to the emergency department at Hamilton County Hospital in Webster City, Iowa, on multiple occasions when she was designated as an on-call physician, between October 2008 and July 2012. Respondent is hereby **WARNED** that such practice in the future may result in further formal disciplinary action, including suspension or revocation of her Iowa medical license.

10. **CIVIL PENALTY:** Respondent shall pay a **\$2,500 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

11. **BOARD-APPROVED PRESCRIBING COURSE:** Respondent shall successfully complete a Board-approved prescribing course for the appropriate treatment of chronic pain within ninety (90) days of the date of this order.

12. **PROFESSIONAL ETHICS PROGRAM:** Respondent shall complete the Professional/Problem Based Ethics (PROBE) program offered by the Center for Personalized Education for Physicians (CPEP), 7351 Lowry Blvd., Suite 100, Denver, CO 80230 within ninety (90) days of the date of this order. Respondent shall ensure that a report is sent directly to the Board. Respondent is responsible for all costs associated with the program.

13. **BOARD-APPROVED CORRECTIVE ACTION PLAN:** Respondent has submitted a written corrective action plan to the Board which describes the steps she has taken to ensure that she appropriately responds to the emergency department when she is on-call in the future. The written corrective action plan is considered confidential investigative information in the possession of the Board and is not subject to disclosure or discovery.

14. Respondent shall submit a written statement to the Board which demonstrates that Respondent has shared a copy of this order with all medical licensing boards where Respondent holds a license, whether active or not, within thirty (30) days of the date of this order.

15. Respondent shall submit a written statement to the Board which demonstrates that Respondent has shared a copy of this order with all hospitals and clinics where Respondent practices medicine within thirty (30) days of the date of this order.

16. Pursuant to 653 IAC 21.6, if applicable, Respondent shall notify all physician assistant supervisees within one workday upon receiving disciplinary action from the Board or any other change in status that affects the physician's eligibility to supervise a physician assistant.

17. Respondent voluntarily submits this Order to the Board for consideration.

18. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

19. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel, voluntarily waives any rights to a contested case hearing on the

allegations in the Statement of Charges, and waives any objections to the terms of this Order.

This Order constitutes the resolution of a contested case proceeding.

20. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

21. In the event Respondent fails to comply with any of the terms of this Order, the Board may initiate action to suspend or revoke Respondent's license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

22. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

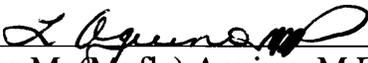
23. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

24. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

25. The Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

26. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

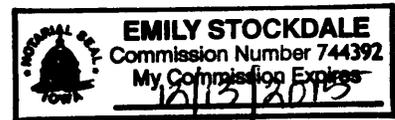
27. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Lisa M. (Mofle) Aguirre, M.D., Respondent

Subscribed and sworn to before me on July 26, 2013.

Notary Public, State of Iowa.



This Order is approved by the Board on _____, 2013.

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

This Order is approved by the Board on August 30, 2013.

A handwritten signature in black ink that reads "Greg Hoversten" with a stylized flourish at the end.

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686