

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LEE O. FAGRE, M.D., RESPONDENT

FILE No. 02-07-314

TERMINATION ORDER

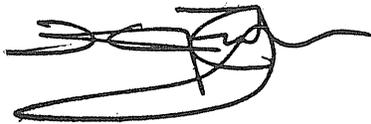
Date: October 21, 2014.

1. Respondent was issued Iowa medical license no. 24990 on July 1, 1985.
2. Respondent's Iowa medical license is active and will next expire on July 1, 2015.
3. **PRACTICE SETTING:** Respondent currently practices family medicine in Waverly, Iowa.
4. **FIRST DISCIPLINARY ACTION:** On March 18, 1992, the Board placed Respondent on probation for a period of five years subject to Board monitoring for substance abuse. On March 15, 1996, the Board terminated the terms of probation.
5. **SECOND DISCIPLINARY ACTION:** On February 11, 2008, the Board again placed Respondent on probation for a period of five years subject to Board monitoring for substance abuse. On February 11, 2013, the Board terminated the terms of probation.

6. **THIRD DISCIPLINARY ACTION:** On October 21, 2009, the Board placed Respondent on probation for a period of five years subject to Board monitoring for professional incompetency. On October 21, 2014, Respondent successfully completed the terms of probation for professional incompetency.

THEREFORE IT IS HEREBY ORDERED: that the terms of Respondent's probation for professional incompetency are terminated and his license is returned to its full privileges, free and clear of all restrictions.

This Order is effective on October 21, 2014.

A handwritten signature in black ink, appearing to read 'Hamed H. Tewfik', written over a horizontal line.

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

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LEE O. FAGRE, M.D., RESPONDENT

File No. 02-07-314

AMENDED ORDER

Date: April 17, 2014.

1. Respondent was issued Iowa medical license no. 24990 on July 1, 1985.
2. Respondent's Iowa medical license is active and will next expire on July 1, 2015.
3. Respondent is an Iowa-licensed physician who currently practices family medicine in Waverly, Iowa.
4. On March 18, 1992, the Board placed Respondent on probation for a period of five (5) years due to substance abuse. The terms of probation were terminated on March 15, 1996.
5. On February 11, 2008, the Board placed Respondent on probation for a period of five (5) years due to substance abuse. The terms of probation were terminated on February 11, 2013.
6. On October 21, 2009, Respondent was disciplined by the Board. The Board charged Respondent with professional incompetency. The Board issued Respondent a Citation and Warning and he agreed not to practice obstetrics. The Board placed Respondent on probation for a period of five (5) years subject to Board monitoring. Respondent was required to successfully complete a Board-approved remediation program.

6. On October 21, 2009, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with professional incompetency. The Board issued Respondent a Citation and Warning and Respondent agreed not to practice obstetrics. The Board placed Respondent on probation for a period of five years subject to Board monitoring for professional incompetency. Respondent was also required to successfully complete a Board-approved remediation program.

7. Recently, Respondent asked the Board to remove the restriction on his ability to practice obstetrics.

8. On April 17, 2014, after careful consideration, the Board voted to remove the restriction on Respondent's ability to practice obstetrics.

THEREFORE IT IS HEREBY ORDERED: that the restriction on Respondent's ability to practice obstetrics is hereby terminated. The remaining terms of probation remain in effect.

This Order is approved by the Board on April 17, 2014.



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

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LEE O. FAGRE, M.D., RESPONDENT

FILE No. 02-07-314

STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT

(Combined)

COMES NOW the Iowa Board of Medicine (the Board), and Lee O. Fagre, M.D., (Respondent), on 9/25 10/21, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4)(2005), enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 24990 on July 1, 1985.
2. Respondent's Iowa medical license is active and will next expire on July 1, 2011.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and 272C.10(2) (2007), and 653 IAC 23.1(2)(f) for failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa.

STATEMENT OF MATTERS ASSERTED

5. Respondent currently practices family medicine in Waverly, Iowa.

6. On March 18, 1992, the Board placed Respondent on probation for a period of five years due to substance abuse and Respondent was required to fully comply with substance abuse monitoring requirements. The terms of probation were terminated on March 15, 1996.

7. On August 17, 2007, the Board sent Respondent a Letter of Warning, a confidential, non-disciplinary communication between the Board and Respondent, expressing concern regarding the prescribing practices of a physician assistant under his supervision, and Respondent's failure to support a colleague's report of those practices to the Iowa Physician Assistant Board.

8. On February 11, 2008, the Board again placed Respondent on probation for a period of five years due to substance abuse and Respondent is required to fully comply with the substance abuse monitoring requirements established in the February 11, 2008, Order.

9. The Board alleges that Respondent engaged in a pattern of professional incompetency in the practice of medicine in Iowa, including, but not limited to the following:

A. On January 2, 2006, Respondent failed to timely perform a newborn assessment and subsequently entered the wrong time in the patient's medical record at a

hospital in Waverly, Iowa. On April 13, 2007, Respondent resigned his obstetrical privileges while under investigation by the hospital; and

B. On January 10, 2007, Respondent resigned his privileges at a hospital in Waverly, Iowa, to perform all endoscopic procedures, including colonoscopies and esophagogastric duodenoscopies, due to concerns that he experienced multiple perforation complications.

10. On August 6, 2008, the Board ordered Respondent to complete a comprehensive competency evaluation at the Center for Personalized Education for Physicians (CPEP) a Board-approved, nationally-recognized, physician competency assessment program. CPEP identified deficiencies in Respondent's medical knowledge concerning obstetrics, and concerning specific aspects of health maintenance, cardiovascular disease, pediatrics and low back pain; judgment; and documentation. Respondent indicated that he no longer plans to practice obstetrics and CPEP made recommendations in the event he returns to that practice in the future. CPEP recommended that Respondent complete a supervised educational program.

SETTLEMENT AGREEMENT

11. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the prevailing standard of care in the practice of medicine in Iowa. Respondent is hereby **WARNED** that failure to conform to the prevailing standard of care in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

12. **OBSTETRICS:** Respondent agrees that he shall not practice obstetrics unless he receives prior written approval from the Board after demonstrating that he is safe to return to the practice of obstetrics.

13. **FIVE YEARS PROBATION:** Respondent shall be placed on probation for a period of five years subject to the following terms and conditions:

- A. **Monitoring Program:** Respondent agrees to contact Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-6491 to establish a monitoring program. Respondent agrees to fully comply with all requirements of the monitoring program.
- B. **Recommendations of CPEP and the Board:** Respondent agrees to fully comply with all recommendations made by CPEP.
- C. **CPEP Educational Program:** Respondent agrees to successfully complete a supervised educational program established by CPEP:
 - 1) **Educational Preceptor:** Respondent agrees participate in a supervised clinical experience with a Board-approved educational preceptor as recommended by CPEP. Respondent shall meet regularly with the educational preceptor to review cases and documentation, discuss decisions related to those cases, review specific topics and engage in a quality improvement processes.

2) **Continuing Medical Education and Self-Study:** Respondent agrees to complete continuing medical education and self-study as recommended by CPEP.

D. **Worksite Monitor:** Respondent agrees to submit for Board approval the name of a physician or other Board-approved healthcare professional who regularly observes and/or supervises Respondent in a practice setting to serve as worksite monitor. The Board shall provide the worksite monitor a copy of all Board orders relating to this matter. The worksite monitor shall provide a written statement indicating that the monitor has read and understands the Board orders and agrees to serve as the worksite monitor under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of a violation of the standard of care. The monitor shall agree to submit written quarterly reports to the Board concerning Respondent not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

E. **Quarterly Reports:** Respondent agrees to file sworn quarterly reports attesting to his compliance with the terms and conditions of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.

F. **Board Appearances:** Respondent agrees to appear before the Board annually or upon request for the duration of the period of probation.

Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

G. Monitoring Fee: Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report required under this Order. The monitoring fee shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The monitoring fee shall be considered repayment receipts as defined in Iowa Code section 8.2.

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

15. This Order constitutes the resolution of a contested case proceeding.

16. Respondent shall fully comply with the terms and conditions established in the Settlement Agreement that he entered into with the Board on February 11, 2008.

17. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

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

19. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Order.

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

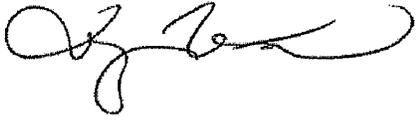
22. The Board's approval of this Order shall constitute a Final Order of the Board.


Lee O. Fagre, M.D., Respondent

Subscribed and sworn to before me on Sept. 25, 2009.

Notary Public, State of Iowa

This Order is approved by the Board on October 21, 2009.



Rodney Zeitler, M.D., Vice Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686