

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS C. FISHER, M.D., RESPONDENT

FILE No. 02-13-424

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

COMES NOW the Iowa Board of Medicine (Board) and Thomas C. Fisher, M.D., (Respondent), on April 17, 2014, 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. 24374 on July 12, 1984.
2. Respondent's Iowa medical license went inactive due to nonrenewal on December 1, 1987.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who formerly practiced medicine Ft. Collins, Colorado.

6. **Colorado Disciplinary Action:** On July 11, 2013, Respondent was disciplined by the Colorado Medical Board (Colorado Board). In August 2012, the Colorado Board received a complaint that Respondent was using alcohol and drugs in a manner which impaired his ability to safely practice medicine. The Colorado Board ordered Respondent to undergo an evaluation by the Colorado Physician Health Program. In March 2013, the Colorado Board received a complaint from an inmate at the Colorado Department of Corrections alleging that Respondent failed to treat his fractured hand in a timely manner. On July 11, 2013, Respondent entered into a Stipulation and Final Agency Order with the Colorado Board. The Colorado Board charged Respondent with unprofessional conduct and Respondent agreed to place his Colorado medical license on inactive status and not apply for reactivation of the license in the future. See Attachment A.

7. **VOLUNTARY SURRENDER:** Respondent voluntarily surrenders his Iowa medical license to resolve this matter.

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

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

10. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel in this matter, 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.

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

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

13. Respondent understands that the Board is required by Federal law (45 C.F.R. 60.8) to report this Order to the National Practitioner Data Bank.

14. 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.

15. 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.

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


Thomas C. Fisher, M.D., Respondent

Subscribed and sworn to before me on February 25, 2014.

Notary Public, State of Colorado.


Notary Public My Comm Exp: 03/09/2017

**JODY J. MAILANDER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20054009572
MY COMMISSION EXPIRES MARCH 9, 2017**

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 COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NOS. 2012-005671-A and 2013-000873-A

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF THOMAS C. FISHER, M.D.. LICENSE NUMBER 28126,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado State Medical Board ("Board") and Thomas C. Fisher, M.D. ("Respondent") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on June 5, 1987, and was issued license number 28126, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On January 10, 2013, the Panel reviewed Case No. 2012-005671-A and determined that further proceedings by formal complaint were warranted pursuant to Section 12-36-118(4)(c)(IV), C.R.S. On May 15, 2013, the Panel reviewed Case No. 2013-000873-A and determined that further proceedings by formal complaint were warranted pursuant to Section 12-36-118(4)(c)(IV), C.R.S.
4. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order ("Order") to provide for a settlement of all matters set forth in Case Nos. 2012-005671-A and 2013-000873-A without the necessity of a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.
5. Respondent understands that:
 - a. Respondent has the right to be represented by an attorney of the Respondent's choice, and Respondent has knowingly and voluntarily chosen to proceed without representation;

- b. Respondent has the right to a formal complaint and disciplinary hearing pursuant to Sections 12-36-118(4)(c)(IV) and 12-36-118(5), C.R.S.;
 - c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a hearing, admits the facts contained in this Order constitute a prima facie case of unprofessional conduct as defined in the Medical Practice Act, and relieves the Panel of its burden of proving such facts;
 - d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Panel; and
6. Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

FACTUAL BASIS

7. The Respondent acknowledges and the Panel finds that, if the Panel were to prove the following factual allegations at hearing, it would constitute a prima facie case of unprofessional conduct as defined in the Medical Practice Act, and would subject Respondent to discipline. Respondent denies these allegations.

a. In August 2012, the Colorado Medical Board ("Board") received a complaint reporting that Respondent was using alcohol and drugs and that his use of such substances was impairing his ability to safely practice medicine as a physician for the Colorado Department of Corrections.

b. After review of the complaint, the Board ordered Respondent to undergo evaluation by the Colorado Physician Health Program ("CPHP").

c. Respondent was initially compliant with the Board's order to CPHP, but shortly thereafter became non-compliant with CPHP and therefore with the Board's order. Thereafter, Respondent declined to return to compliance with CPHP.

d. In March 2013, the Board received a complaint from a Colorado Department of Corrections inmate alleging that Respondent had failed to treat his fractured hand in a timely manner.

e. Respondent reviewed the inmate's fracture by X ray on November 7, 2012 and diagnosed a displaced fracture requiring surgical repair. Respondent immobilized the hand, but the fracture was not surgically repaired until December 7, 2012, at which time a physician outside the department of corrections facility performed the repair.

8. Respondent admits and the Panel finds that the conduct set forth above, if proven, constitutes unprofessional conduct as defined in Sections 12-36-117(1)(p) and (1)(u) , C.R.S., which state:

(1) "Unprofessional conduct" as used in this article means:

(p) Any act or omission which fails to meet generally accepted standards of medical practice;

(u) Violation of any valid board order or any rule or regulation promulgated by the board in conformance with law.

9. Based upon the above, the parties agree and stipulate that the terms of this Order are authorized by Section 12-36-118(5)(g)(III), C.R.S.

PERMANENT LICENSE INACTIVATION

10. Commencing on the effective date of this Order, Respondent's license to practice medicine will be placed on inactive status. The Board hereby waives the requirement of Section 12-36-137, C.R.S., of a formal application, including supporting affidavit, for the transfer of a license to inactive status; and the entry of this Order shall be deemed equivalent to a grant of an application for inactive status under Section 12-36-137, C.R.S.

11. Following inactivation of his license, Respondent shall not perform any act in the state of Colorado that constitutes the practice of medicine nor shall Respondent perform any act in any other location pursuant to the authority of a license to practice medicine granted by the state of Colorado.

12. Respondent agrees not to apply for reactivation of his license, reinstatement of his license, or to apply for a new license issued by the Board at any time in the future. Respondent understands and acknowledges that he is permanently inactivating a license to practice medicine in Colorado. Respondent agrees not to apply for reactivation, reinstatement or issuance of a new license to practice medicine in Colorado at any time in the future. Respondent specifically waives any right to which he may be entitled pursuant to Section 12-36-118(5)(i), C.R.S. (2010) regarding application for licensure.

OTHER TERMS

13. The terms of this Order were mutually negotiated and determined.

14. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Order voluntarily; and both parties agree that no term or condition of this Order is unconscionable.

15. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

16. So that the Board may notify hospitals of this agreement pursuant to Section 12-36-118(13), C.R.S., Respondent presently holds privileges at the following hospitals:

17. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to Section 12-36-118(5)(g)(III), C.R.S. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in Section 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

18. This Order shall be admissible as evidence at any future hearing before the Board.

19. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

20. During the pendency of any action arising out of this Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

21. This Order shall be effective upon approval by the Panel and signature by a Panel member or other authorized person. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

22. Upon becoming effective, this Order shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. This Order constitutes discipline against Respondent's license. Additionally, this Order shall be reported the Federation of State Medical Boards, the National Practitioner Data Bank/Healthcare Integrity and Protection Data Bank and as otherwise required by law.

Thomas C Fisher
THOMAS C. FISHER, M.D.

THE FOREGOING was acknowledged before me this 20th day of June,
2013 by THOMAS C. FISHER, M.D. in the County of Chaffee, State
of Colorado

**JODY J. MAILANDER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20054009572
MY COMMISSION EXPIRES MARCH 9, 2017**

Jody J. Mailander
NOTARY PUBLIC

03/09/2017
My commission expires

THE FOREGOING Stipulation and Final Agency Order is approved and effective this
11th day of July, 2013.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

J. Dale Utt, D.O.
J. Dale Utt, D.O.,
Chair, Inquiry Panel A

APPROVED AS TO FORM:

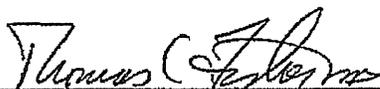
FOR THE RESPONDENT

FOR THE COLORADO MEDICAL BOARD

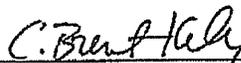
Pro Se

JOHN W. SUTHERS

Attorney General



Thomas C. Fisher, M.D.



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