

**BEFORE THE IOWA BOARD OF MEDICINE**

\*\*\*\*\*

**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**FREDRIC E. SAGER, D.O., RESPONDENT**

**FILE No. 03-13-277**

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**AMENDED ORDER**

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**IT IS HEREBY ORDERED** that effective June 18 2015, the February 6, 2015, combined Statement of Charges and Settlement Agreement shall be amended to read as follows:

13. **CHAPERONE REQUIREMENT:** Respondent shall have a Board-approved female healthcare professional chaperone continually present when treating female patients in any clinical setting. The chaperone requirement is waived in a hospital setting when other healthcare personnel are present. The presence of the hospital healthcare personnel shall be documented in the patient record. The Board-approved healthcare professional chaperone shall be continually present when Respondent is providing healthcare services, including but not limited to, patient evaluation, treatment and post-evaluation treatment directions. The chaperone shall clearly document her continued presence in each patient's chart. Respondent shall

provide the Board with the names of all persons providing chaperone services for him. The Board will provide all chaperones with a copy of the combined Statement of Charges and Settlement Agreement this Amended Order. All chaperones shall provide a written statement indicating that they have read the Board Orders and agree to inform the Board immediately if there is any evidence of professional boundary violations or other professional misconduct.

This Amended Order is approved by the Board on June 18, 2015.

A handwritten signature in black ink, appearing to read 'Hamed H. Tewfik', with a horizontal line extending to the right.

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

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**FILE No. 03-13-277**

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

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**COMES NOW** the Iowa Board of Medicine (Board), and Fredric E. Sager, D.O., (Respondent), on February 6, 2015, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this combined Statement of Charges and Settlement Agreement.

**STATEMENT OF CHARGES**

1. Respondent was issued Iowa medical license no. 01747 on May 31, 1979.
2. Respondent's Iowa medical license is active and will next expire on December 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

## COUNT I

4. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1(4) with engaging in unethical or unprofessional conduct, which includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise and whether committed within this state or elsewhere; or a violation of the standards and principles of medical ethics.

## COUNT II

5. **Disruptive Behavior:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 13.7(5) with engaging in disruptive behavior, which is defined as a pattern of contentious, threatening, or intractable behavior that interferes with, or has the potential to interfere with, patient care or the effective functioning of health care staff.

## STATEMENT OF MATTERS ASSERTED

6. **Practice Setting:** Respondent is an Iowa-licensed physician who practices obstetrics and gynecology in Clive, Iowa.

7. **Unethical or Unprofessional Conduct and/or Disruptive Behavior:** The Board alleges that Respondent engaged in a pattern of unethical or unprofessional conduct and/or disruptive behavior in violation of the laws and rules governing the practice of medicine in Iowa, including the following:

- A. Respondent met socially with female obstetrical patients outside the clinical setting.
- B. Respondent treated a female obstetrical patient after hours at the clinic when no one else was present.
- C. Respondent prescribed controlled substances to a female obstetrical patient despite evidence of drug seeking behavior, including when she was pregnant.
- D. Respondent allowed female obstetrical patients to stay at his vacation home in Florida while he was present in the home on more than one occasion.
- E. Respondent provided gifts and other items of value to female obstetrical patients.
- F. Respondent failed to maintain a timely medical record for a female obstetrical patient and asked a staff member to create a medical record for the patient after the visit.
- G. Respondent yelled at, and/or made inappropriate or threatening statements, to nurses and co-workers on multiple occasions.

### **SETTLEMENT AGREEMENT**

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in a pattern of unethical or unprofessional conduct and/or disruptive behavior in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

9. **CIVIL PENALTY:** Respondent shall pay a **7,500 civil penalty** within twenty (20) days of the date of this Order. The civil penalty shall be made payable to the Treasurer of Iowa and delivered to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

10. **PROFESSIONAL BOUNDARIES EVALUATION:** On October 1, 2014, at the direction of the Board, Respondent completed a Board-approved comprehensive physical, neuropsychological, mental health, unprofessional conduct, professional boundaries and/or sexual misconduct evaluation at the Behavioral Medicine Institute of Atlanta (BMI).

11. **TRANSFER PATIENTS:** Respondent shall immediately transfer treatment of the female obstetrical patients discussed in this Order to another provider for future care.

12. **PROFESSIONAL BOUNDARIES TREATMENT PROGRAM:** Respondent shall successfully complete a Board-approved professional boundaries treatment program within ninety (90) days of the date of this order as recommended by BMI. Respondent shall fully comply with all recommendations made by the Board-approved professional boundaries treatment program.

13. **CHAPERONE REQUIREMENT:** Respondent shall have a Board-approved female healthcare professional chaperone continually present when treating female patients. The Board-approved healthcare professional chaperone shall be continually present when Respondent is providing healthcare services, including but not limited to, patient evaluation, treatment and post-evaluation treatment directions. The chaperone shall clearly document her continued presence in each patient's chart. Respondent shall provide the Board with the

names of all persons providing chaperone services for him at all facilities where Respondent practices medicine under his Iowa medical license. The Board will provide all chaperones with a copy of this order. All chaperones shall provide a written statement indicating that they have read the Board Orders and agree to inform the Board immediately if there is any evidence of professional boundary violations or other professional misconduct.

14. **PROHIBITION – CONTROLLED SUBSTANCES:** Respondent is prohibited from prescribing, administering or dispensing controlled substances to patients who exhibit signs of drug seeking behavior, drug abuse or diversion.

15. **BOARD-APPROVED GROUP PRACTICE SETTING:** Respondent shall practice medicine in a Board-approved group practice setting only. Respondent shall seek written approval from the Board prior to practicing medicine in a new practice setting.

16. **CONTINUING MEDICAL EDUCATION:** Respondent shall successfully complete at least (4) hours of Board-approved continuing medical education (CME) in the area of professional boundaries within (60) days of the date of this Order.

17. **FIVE YEARS PROBATION:** Respondent is placed on **probation for a period of five (5) years** subject to the following terms and conditions:

A. **Board Monitoring Program:** Within thirty days of the date of this Order, Respondent shall establish a Board monitoring program with Mary Knapp, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-5525. Respondent shall fully comply with all requirements of the Board monitoring program.

- B. **BMI Recommendations:** Respondent shall fully comply with all recommendations made by BMI.
- C. **Treatment Program Recommendations:** Respondent shall fully comply with all recommendations made Board-approved professional boundaries treatment program.
- D. **Board-Approved Psychotherapy:** Respondent shall participate in Board-approved psychotherapy for appropriate professional boundaries under the following terms and conditions:
- 1) Respondent shall submit the name and CV of an Iowa-licensed psychotherapist with experience in physician-patient professional boundaries to the Board for approval.
  - 2) Respondent shall meet with the psychotherapist for at least one hour once per week or as frequently as approved by the Board.
  - 3) Respondent shall continue with therapy until discharged by the psychotherapist and approved by the Board.
  - 4) Respondent shall ensure that the psychotherapist shall submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation.
  - 5) Respondent is responsible for all costs associated with the therapy.

**E. Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys:**

- 1) Respondent shall post the Principles of Medical Ethics in his medical practice as directed by the Board.
- 2) Respondent shall utilize Staff Surveillance Forms in his medical practice as directed by the Board.
- 3) Respondent shall utilize Patient Satisfaction Surveys in his medical practice as directed by the Board.

**F. Worksite Monitoring Program:** Within thirty days of the date of this Order, Respondent shall establish a worksite monitoring program with the Board.

- 1) Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine.
- 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
- 3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order.
- 4) The worksite monitor shall agree to inform the Board immediately if there is evidence of professional incompetence or a violation of the terms of this Order.

- 5) The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
  - 6) Respondent shall ensure that the worksite monitor submits quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- G. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all 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.
- H. **Board Appearances:** Respondent shall make an appearance before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
- I. **Monitoring Fee:** Respondent shall make a payment of \$200 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 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine.
18. Respondent voluntarily submits this Order to the Board for consideration.

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

20. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, he has a right to 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.

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

22. 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.

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

24. In the event Respondent violates or fails to comply with the terms of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa license or impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 24.

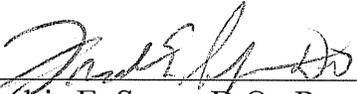
25. Periods in which Respondent resides or practices outside the state of Iowa, does not practice medicine or fails to comply with the terms of this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

26. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

27. This 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.

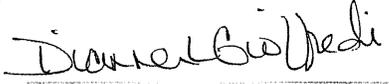
28. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

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

  
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Fredric E. Sager, D.O., Respondent

Subscribed and sworn to before me on January 27, 2015.

Notary Public, State of Iowa.





This Order is approved by the Board on February 6, 2015.



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