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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
ANNE MARIE FAGAN, M.D., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS# 0810221 MED

Division of Enforcement Case # 07 MED 340

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Anne Marie Fagan, M.D.
5332 S. 46th Street
Greenfield, WI 53220-5006

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Medical Examining Board on October 22, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Anne Marie Fagan, M.D., (DOB 09/30/1943) is duly licensed as a physician in the State of Wisconsin (license # 20-18323). This license was first granted on June 19, 1973. Respondent's registration, pursuant to Wis. Stat. § 448.07, is due to expire on October 31, 2009.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 5332 S. 46th Street, Greenfield, WI 53220-5006.

3. Respondent is an anesthesiologist. At all relevant times, she was employed by a large anesthesia group to work in a free standing eye center.

4. On or about January 13, 2005, Respondent was asked at the last minute to fill in at a remote location outside the main operating room. Respondent arrived in the room after the patient had been placed on monitors. She did not realize that the oxygen alarm system had been turned off, which delayed recognition of an anoxic event. The patient died of congestive heart failure.

5. Respondent resigned from the hospital staff and retired after this event. Approximately one year later, she began working at a small surgery center. She voluntarily limits her practice to eye surgeries, and provides only basic screening, eye blocks, and mild intravenous sedation. She does not provide general anesthesia.

6. Respondent voluntarily attended continuing education courses relevant to her current practice at the 21st annual meeting of the Ophthalmic Anesthesia Society.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4 above constitutes a violation of Wis. Admin. Code § 10.02(2)(h), and subjects Respondent to discipline pursuant to Wis. Stat. § 448.02.

ORDER

IT IS ORDERED:

1. Anne Marie Fagan, M.D. is REPRIMANDED.
2. The license of Anne Marie Fagan, M.D., to practice medicine in the State of Wisconsin is LIMITED as follows:
 - (a) Respondent shall not provide general anesthesia until she has completed 8 hours of continuing education in non-invasive monitoring of an anesthetized patient.
 - (1) Each course attended in satisfaction of this Order must be approved by the Medical Examining Board or its designee. Respondent will be responsible for locating courses satisfactory to the Medical Examining Board and for obtaining the required approval of the courses from the Medical Examining Board or its designee.
 - (2) Respondent will, within 60 days of completion of this educational requirement, file an affidavit with the Medical Examining Board stating under oath that she has attended in its entirety each of the courses approved for satisfaction of this requirement, along with supporting documentation of attendance from the sponsoring organizations. This affidavit and the supporting documentation of attendance will be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708-8935

All certifications, affidavits or other documents required to be filed with the Medical Examining

Board will be deemed filed upon receipt by the Department Monitor.

- (3) Respondent will be responsible for paying the full cost of attendance at these courses.
- (4) Respondent will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his Wis. Stat. § 448.13 biennial training requirements.

(b) Upon proof of successful completion of the above ordered continuing education, Respondent may practice general anesthesia.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Eight Hundred Dollars (\$800.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. In the event Respondent fails to pay costs as ordered or fails to comply with the above limitation, the registration of Respondent's license (# 20-18323) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

Medical Examining Board

By: S. Kailas MD
A Member of the Board

12/10/08
Date

Anne Marie Fagan, M.D.
5332 S. 46th Street
Greenfield, WI 53220-5006

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date