

**TRUE AND EXACT
COPY OF ORIGINAL**

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
Dr. Roberto R. Pagarigan
Date of Birth: 2/2/1932
License No.: 33,378

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Dr. Roberto R. Pagarigan and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.
2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of this opportunity, Respondent has elected not to be represented by counsel. The Board was represented by Kermit N. Fruechte, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:
 - a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on March 10, 1990.

b. In June 2007, the Board received a complaint alleging that Respondent inappropriately prescribed psychiatric medications for his patients, especially pediatric patients, and often prescribed multiple psychiatric medications to be taken simultaneously. The complaint further alleged that, in March 2007, Respondent authorized excessive psychiatric medications for a patient, which resulted in the patient's subsequent hospitalization with delirium.

c. In June 2007, the Board initiated an investigation by the Attorney General's Office which revealed that Respondent's patient care, documentation, and prescribing practices for psychiatric medications failed to meet the minimum acceptable standards of medical practice.

d. A review of Respondent's practice revealed that, on multiple occasions, Respondent performed an evaluation and provided a diagnosis for his psychiatric patients, but failed to document a summary of the patient's symptoms or a rationale to substantiate his diagnoses. Once diagnosed, Respondent routinely initiated medications for his patients, often authorizing multiple psychiatric medications, but failed to document an objective clinical basis for the simultaneous use of these drugs. In addition, Respondent often authorized the simultaneous use of olanzapine and duloxetine for his pediatric and adolescent patients, but failed to consider alternative medications that may have provided increased safety and efficacy in the treatment of children. Respondent routinely initiated the medications at full dosages, rather than gradually increasing the doses, and failed to taper his patients off other prescribed drugs. Respondent also failed to document a discussion of the risks and benefits for the chosen medications, failed to address possible side-effects with his patients, and failed to document an overall treatment plan. On multiple occasions, Respondent failed to document laboratory orders, failed to monitor the serum levels or metabolic side effects of the prescribed medications, failed

to document a summary of laboratory findings in his clinic notes, failed to document current prescriptions on the medication protocol sheet in each clinic record, and failed to document his response to routine telephone inquiries from his patients.

e. On April 6, 2011, Respondent met with the Complaint Review Committee and discussed his practice. Respondent admitted prescribing multiple medications at the same time for his patients, including adolescents, but denied that his prescribing was excessive or inappropriate. Respondent stated that he followed standard recommendations for medication selection and monitoring, and reported that his treatment approach had been successful for his patients. Respondent admitted that his documentation failed to meet appropriate standards.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g), (k), (o), and (s) (2010), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further Order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an Order conditioning and restricting Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

- a. Respondent is REPRIMANDED.
- b. Respondent shall be prohibited from prescribing to patients under the age of 18 years old.

c. Respondent shall successfully complete, within six months of the date of this Order, the following coursework, approved in advance by the Committee or its designee:

- 1) Medical records management.
- 2) Prescribing of psychiatric medications, including neuroleptics and anti-psychotics.
- 3) Differential diagnoses for psychiatric patients.

Successful completion shall be determined by the Board or its designee

d. Respondent shall practice in a setting approved in advance by the Committee or its designee.

e. Respondent shall meet on a quarterly basis with a designated Board member or other Board designee. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member or Board designee. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings is to review Respondent's progress under the terms of this Stipulation and Order.

f. Respondent shall pay a civil penalty of \$2,387.00 within six months of the date of this Order.

g. This Stipulation and Order shall remain in effect for a minimum of two years. At the end of this period, Respondent may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently

has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Robert A. Leach, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, including timely submission of required reports, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and

waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

9. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

11. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Dated: April 18, 2011

Dated: 5/15/11


DR. ROBERTO R. PAGARIGAN
Respondent


FOR THE COMMITTEE

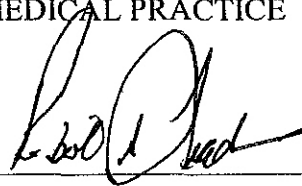
ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this Thursday day of May, 2011.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: _____



AG: #2806316-v1

AFFIDAVIT OF SERVICE BY U.S. MAIL

**Re: In the Matter of the Medical License of Dr. Roberto R. Pagarigan
License No. 33,378**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

KATHLEEN DAVIS, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on May 16, 2011, s/he caused to be served the STIPULATION AND ORDER, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first class postage, and addressed to:

PERSONAL AND CONFIDENTIAL

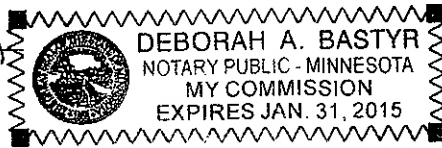
Dr. Roberto R. Pagarigan
6593 Riverwood Road
Baxter, MN 56425



KATHLEEN DAVIS

Subscribed and sworn to before me on
May 16, 2011.


NOTARY PUBLIC



**TRUE AND EXACT
COPY OF ORIGINAL**

BEFORE THE MINNESOTA

BOARD OF MEDICAL PRACTICE

In the Matter of the
Medical License of
Dr. Roberto R. Pagarigan
Date of Birth: 2/2/1932
License Number: 33,378

**AMENDED
STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Dr. Roberto R. Pagarigan ("Respondent") and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of this opportunity, Respondent has elected not to be represented by counsel. The Committee was represented by Kermit N. Fruechte, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

FACTS

3. For the purpose of this Amended Stipulation and Order, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on March 10, 1990.

b. In June 2007, the Board received a complaint alleging that Respondent inappropriately prescribed psychiatric medications for his patients, especially pediatric patients, and often prescribed multiple psychiatric medications to be taken simultaneously. The complaint further alleged that, in March 2007, Respondent authorized excessive psychiatric medications for a patient, which resulted in the patient's subsequent hospitalization with delirium.

c. In June 2007, the Board initiated an investigation by the Attorney General's Office which revealed that Respondent's patient care, documentation, and prescribing practices for psychiatric medications failed to meet the minimum acceptable standards of medical practice.

d. A review of Respondent's practice revealed that, on multiple occasions, Respondent performed an evaluation and provided a diagnosis for his psychiatric patients, but failed to document a summary of the patient's symptoms or a rationale to substantiate his diagnoses. Once diagnosed, Respondent routinely initiated medications for his patients, often authorizing multiple psychiatric medications, but failed to document an objective clinical basis for the simultaneous use of these drugs. In addition, Respondent often authorized the simultaneous use of olanzapine and duloxetine for his pediatric and adolescent patients, but failed to consider alternative medications that may have provided increased safety and efficacy in the treatment of children. Respondent routinely initiated the medications at full dosages, rather than gradually increasing the doses, and failed to taper his patients off other prescribed drugs. Respondent also failed to document a discussion of the risks and benefits for the chosen medications, failed to address possible side-effects with his patients, and failed to document an overall treatment plan. On multiple occasions, Respondent failed to document laboratory orders, failed to monitor the serum levels or metabolic side effects of the prescribed medications, failed

to document a summary of laboratory findings in his clinic notes, failed to document current prescriptions on the medication protocol sheet in each clinic record, and failed to document his response to routine telephone inquiries from his patients.

e. On April 6, 2011, Respondent met with the Complaint Review Committee and discussed his practice. Respondent admitted prescribing multiple medications at the same time for his patients, including adolescents, but denied that his prescribing was excessive or inappropriate. Respondent stated that he followed standard recommendations for medication selection and monitoring, and reported that his treatment approach had been successful for his patients. Respondent admitted that his documentation failed to meet appropriate standards.

f. On May 14, 2011, Respondent entered into a Stipulation and Order (“2011 Order”) with the Committee based upon his unethical and unprofessional conduct, failure to maintain adequate medical records, and inappropriate prescribing of medications.

g. On June 6, 2011, Respondent submitted a written petition to the Board requesting a modification in the language of the 2011 Order regarding the restrictions placed on his practice.

h. On June 9, 2011, the Complaint Review Committee reviewed Respondent’s petition and recommended that the 2011 Order be rescinded and replaced with an Amended Stipulation and Order (“Amended Order”) modifying the language referencing “restrictions” to Respondent’s practice in paragraph 5 and subparagraph 5.b. The Committee recommended that the remainder of the terms set forth in the 2011 Order remain the same.

STATUTES

4. The Committee views Respondent’s practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g), (k), (o), and (s) (2010), and

Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this Amended Stipulation and Order and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an Order rescinding the Stipulation and Order of May 14, 2011, and enter an Amended Order conditioning Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

- a. Respondent is REPRIMANDED.
- b. Respondent shall have all prescriptions co-signed by another physician when Respondent authorizes medications for patients under the age of 18.
- c. Respondent shall successfully complete, within six months of the date of this Amended Order, the following coursework, approved in advance by the Committee or its designee:
 - 1) Medical records management.
 - 2) Prescribing of psychiatric medications, including neuroleptics and anti-psychotics.
 - 3) Differential diagnoses for psychiatric patients.

Successful completion shall be determined by the Board or its designee

- d. Respondent shall practice in a setting approved in advance by the Committee or its designee.

e. Respondent shall meet on a quarterly basis with a designated Board member or other Board designee. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member or Board designee. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings is to review Respondent's progress under the terms of this Amended Stipulation and Order.

f. Respondent shall pay a civil penalty of \$2,387.00 within six months of the date of this Amended Order.

g. This Amended Stipulation and Order shall remain in effect for a minimum of two years. At the end of this period, Respondent may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

6. Respondent hereby acknowledges that he has read and understands this Amended Stipulation and Order and that he has voluntarily entered into this Amended Stipulation and Order without threat or promise by the Board or any of its members, employees, or agents. This Amended Stipulation and Order contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Amended Stipulation and Order.

Dated: June 29, 2011 Dated: 8/6/11

Roberto R. Pagarigan Kurt Boye
Dr. Roberto R. Pagarigan, M.D. For the Committee
Respondent

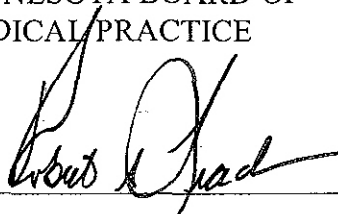
ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Amended Stipulation and Order are adopted and implemented by the Board this 6th day of August, 2011.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: _____



AG: #2842342-v1

AFFIDAVIT OF SERVICE BY U.S. MAIL

**Re: In the Matter of the Medical License of Dr. Roberto R. Pagarigan
License No. 33,378**

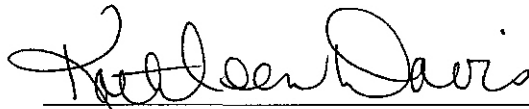
STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

KATHLEEN DAVIS, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on August 8, 2011, s/he caused to be served the AMENDED STIPULATION AND ORDER, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first class postage, and addressed to:

PERSONAL AND CONFIDENTIAL

Dr. Roberto R. Pagarigan
6593 Riverwood Road
Baxter, MN 56425



KATHLEEN DAVIS

Subscribed and sworn to before me on
August 8, 2011.


NOTARY PUBLIC

AG: #2810533-v1

