

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 25-CRF-0094

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Karl Matthew Hagen, M.D.

ENTRY OF ORDER

On May 13, 2025, Karl Matthew Hagen, M.D., executed a Surrender of his license to practice medicine and surgery in the state of Ohio with consent to permanent revocation, which document is attached hereto and fully incorporated herein.

Wherefore, upon ratification by the Board of the surrender, it is hereby ORDERED that Certificate No. 35.122568 authorizing Karl Matthew Hagen, M.D., to practice medicine and surgery in the state of Ohio be permanently REVOKED.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 14th day of May 2025, and the original thereof shall be kept with said Journal. This Order shall become effective immediately upon the date of service of the notification of approval by the Board.



A handwritten signature in blue ink, reading "Kim G. Rothermel MD", is written over a horizontal line.

Kim G. Rothermel, M.D.
Secretary

5-14-25

May 14, 2025

Date

STATE OF OHIO
THE STATE MEDICAL BOARD
PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY

Do not sign this Agreement without reading it. An individual who permanently surrenders a certificate issued by the Board is forever thereafter ineligible to hold a certificate to practice or to apply to the Board for reinstatement of the certificate or issuance of any new certificate. You are permitted to be accompanied, represented and advised by an attorney, at your own expense, before deciding to sign this voluntary Agreement.

I, Karl Matthew Hagen, M.D., am aware of my right to representation by counsel and the rights of being formally charged and having a formal adjudicative hearing and do hereby freely execute this Permanent Surrender of Certificate [Agreement] and choose to take the actions described herein. I acknowledge and agree that I am entering into this Agreement of my own free will and volition and have not been coerced to do so, nor am I under duress at the time of executing this Agreement. I further acknowledge that I had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner. I aver that I fully understand all of the terms and provisions of this voluntary Agreement. I further agree that no representations have been made by the Board, its members, employees, agents, officers and representatives regarding any of the legal ramifications of this Agreement, including but not limited to the effect this Agreement may have on my current or future employment, my specialty board certifications, or any licenses, past, present or future, to practice in other states or jurisdictions.

I, Karl Matthew Hagen, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, License #35.122568, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement or restoration of my certificate to practice medicine and surgery, License #35.122568, or issuance of any other certificate pursuant to the authority of the State Medical Board of Ohio, on or after the date of signing this Agreement. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, License #35.122568, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I, Karl Matthew Hagen, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. I, Karl Matthew Hagen, M.D., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(2), Ohio Revised Code, "[f]ailure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," related to inappropriate prescribing of carisoprodol to several patients, some of whom had a history of substance use disorder.

EFFECTIVE DATE

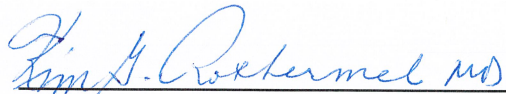
It is expressly understood that this Permanent Surrender of Certificate is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below. Further, I specifically acknowledge that the electronic transmission of a scanned or photostatic copy of any executed signature to this Permanent Surrender of Certificate, upon being received by the Board, shall be deemed to have the full legal force and effect as the original.



KARL MATTHEW HAGEN, M.D.

5/13/25

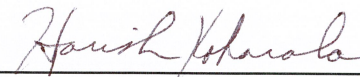
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KIM G. ROTHERMEL, M.D.
Secretary

5/14/25

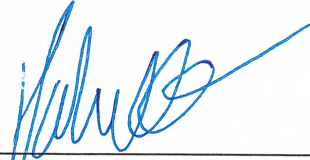
DATE



HARISH KAKARALA, M.D.
Supervising Member

5/14/25

DATE



PATRICK HEAGERTY
Enforcement Attorney

5/12/25

DATE

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

med.ohio.gov

September 9, 2015

Karl M. Hagen, M.D.
9460 Wickham Way
Orlando, FL 32836


RE: Case No. 14-CRF-140

Dear Dr. Hagen:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 9, 2015, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Any such appeal must be filed in accordance with all requirements specified in Section 119.12, Ohio Revised Code, and must be filed with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within (15) days after the date of mailing of this notice.

THE STATE MEDICAL BOARD OF OHIO



Kim G. Rothermel, M.D.
Secretary

KGR:jam
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7033 2012 9160
RETURN RECEIPT REQUESTED


CC: Elizabeth Y. Collis, Esq.
CERTIFIED MAIL NO. 91 7199 9991 7033 2012 9177
RETURN RECEIPT REQUESTED

Mailed 9-10-15

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, Esq., State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 9, 2015, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Karl M. Hagen, M.D., Case No. 14-CRF-140, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Kim G. Rothermel, M.D.
Secretary

(SEAL)

September 9, 2015

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 14-CRF-140

KARL M. HAGEN, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 9, 2015

Upon the Report and Recommendation of Danielle R. Blue, Esq., State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. **REPRIMAND:** Karl M. Hagen, M.D., is REPRIMANDED.
- B. **PROBATION:** The certificate of Dr. Hagen to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
 1. **Obey the Law:** Dr. Hagen shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Hagen shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there had been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Hagen shall appear in person for an interview before the full Board or its designated representative during the third month

following the month in which this Order becomes effective, or as otherwise directed by the Board. Dr. Hagen shall also appear in person upon his request for termination of the probationary period, and/or as otherwise directed by the Board.

4. **Evidence of Compliance with the Florida Order:** At the time he submits his declarations of compliance, Dr. Hagen shall also submit declarations under penalty of Board disciplinary action and/or criminal prosecution stating whether he has complied with all terms, conditions, and limitations imposed by the Florida Department, Case No. 2011-10794. Moreover, Dr. Hagen shall cause to be submitted to the Board copies of any reports, if any, that he submits to the Florida Department whenever and at the same time the Florida Department requires submission.
5. **Notification of Change in Terms of the Florida Order:** Dr. Hagen shall immediately notify the Board in writing of any modification or change to any terms, conditions, or limitation imposed by the Florida Board in Case No. 2011-10794, including termination of the Florida Order.
6. **Practice Plan and Monitoring Physician:** Prior to Dr. Hagen's commencement of practice in Ohio as a surgeon or in a setting in which he would provide surgical consultation, or as otherwise determined by the Board, Dr. Hagen shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Hagen's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Hagen shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Hagen submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary and Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Hagen and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Hagen and his medical practice, and shall review Dr. Hagen's patient charts. The chart review may be done on a random basis, with the frequency and number of charts to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Hagen and his medical practice, and on the review of Dr.

Hagen's patient charts. Dr. Hagen shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's office no later than the due date for Dr. Hagen's declarations of compliance.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Hagen shall immediately so notify the Board in writing. In addition, Dr. Hagen shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Dr. Hagen shall further ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Dr. Hagen's monitoring physician, or may withdraw its approval of any physician previously approved to serve as Dr. Hagen's monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

7. **Required Reporting of Change of Address:** Dr. Hagen shall notify the Board in writing of any change of address and/or principal practice address within 30 days of change.
 8. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Hagen is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- C. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Hagen's certificate will be fully restored.
- D. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Hagen violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**

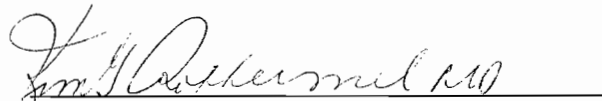
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Hagen shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Hagen shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Hagen receives from the Board written notification of the successful completion of his probation.

In the event that Dr. Hagen provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. Hagen receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Hagen shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Hagen shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Hagen receives from the Board written notification of the successful completion of his probation.
3. **Required Documentation of the Reporting Required by Paragraph E:** Dr. Hagen shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming

successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Kim G. Rothermel, M.D.

Secretary

(SEAL)

September 9, 2015

Date

MAY 19 2015
STATE MEDICAL BOARD
OF OHIO

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

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Case No. 14-CRF-140

Karl M. Hagen, M.D.,

*

Hearing Examiner Blue

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing

By letter dated December 10, 2014, the State Medical Board of Ohio (“Board”) notified Karl M. Hagen, M.D., that it intended to determine whether to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board stated that its proposed action was based on an allegation that, on October 15, 2013, the Florida Board of Medicine issued a Final Order (“Florida Order”) that adopted a Settlement Agreement (“Florida Agreement”) entered into between Dr. Hagen and the Florida Department of Health based on one or more errors committed by Dr. Hagen while performing surgery.

The Board further alleged that the Florida Agreement and Florida Order constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as set forth in Ohio Revised Code Section (“R.C.”) 4731.22(B)(22).

Finally, the Board advised Dr. Hagen of his right to request a hearing in this matter, and the Board received Dr. Hagen’s request for a hearing on December 23, 2014. (State’s Exhibits (“St. Exs.”) 1A, 1B)

Appearances

Mike DeWine, Attorney General of Ohio, and Kyle C. Wilcox, Assistant Attorney General, for the State of Ohio. Elizabeth Y. Collis, Esq., for Dr. Hagen.

Hearing Date: April 15, 2015

SUMMARY OF THE EVIDENCE

All evidence admitted in this matter, even if not specifically mentioned, has been thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background Information

1. Karl M. Hagen, M.D., obtained his medical degree in 1986 from Wright State University School of Medicine in Dayton. From 1986 through 1991, he completed a surgical residency at Waterbury Hospital Health Center in Waterbury, Connecticut. In July 2014, Dr. Hagen completed a one-year fellowship in addiction medicine at the University of Florida in Gainesville, Florida. Dr. Hagen was first licensed to practice medicine in Ohio in 2013. Dr. Hagen is also licensed to practice in New York and Florida. He is board-certified in surgery and addiction medicine. (State of Ohio *eLicense* Center, <https://license.ohio.gov/lookup/>, query on May 15, 2015; Respondent's Exhibit ("Resp. Ex.") A; Hearing Transcript ("Tr.") at 16-17, 20, 22)
2. Dr. Hagen's employment history is as follows:
 - From March 1988 through October 1997, he served in the U.S. Army Reserves in the U.S. Army Medical Corp at Madigan Hospital in Tacoma, Washington;
 - From July 1991 through July 1999, he was an attending physician at Unity Health System in Rochester, New York;
 - From October 1999 through July 2011, he was employed by Mid-Florida Surgical Associates as a surgeon in Ocoee, Florida;
 - From October 2011 through October 2012, he was employed by Comprehensive Health Services, Inc., as a Surgeon and Interim Chief Medical Officer serving the U.S. Department of State in Iraq;
 - From December 2012 through June 2013, he was employed as a primary care physician with East Coast Medical Services/The Medical Concierge in Orlando, Florida; and
 - From July 2014 through the present, he has been employed as the Medical Director of the Alcohol Rehabilitation Facility at Schick-Shadel Hospital in Cooper City, Florida.

(Resp. Ex. A; Tr. at 16, 21-22)

October 2013 Florida Order

3. In August 2012, the State of Florida Department of Health ("Florida Department") issued an Administrative Complaint against Dr. Hagen, which stated in pertinent part:

* * *

5. On or about May 8, 2011, Patient M.M., a forty-one (41) year old male, presented to South Lake Hospital in Clermont, Florida, with complaints of abdominal pain and underwent an abdominal CT scan.
6. That evening, Respondent was contacted by the Emergency Department and was informed that Patient M.M.'s CT scan revealed acute appendicitis.
7. Respondent immediately presented to South Lake Hospital and performed an emergency appendectomy on Patient M.M. Patient M.M. signed an informed consent for the appendectomy.
8. During the surgery, Respondent removed an inflamed tubular structure which he believed to be the patient's appendix.
9. Subsequently, Respondent received a call from the pathologist who informed him that the surgical specimen was actually a segment of the patient's ureter, and not his appendix. Respondent ordered a CT urogram which confirmed the ureteral injury.
10. Patient M.M. was informed by Respondent as to what transpired and was advised to undergo a formal laparotomy for removal of his appendix and repair of the ureteral injury.
11. On or about May 11, 2011, Patient M.M. underwent a laparotomy, performed by Respondent, wherein his appendix and inflamed ileum were removed and the uroma drained. The distal ureteral segment was identified, but given the extensive inflammation in the area, Respondent elected not to attempt a ureteral repair.
12. On the following day, Patient M.M. had a nephrostomy tube placed by interventional radiology.
13. On or about May 25, 2011, Patient M.M. was discharged from the hospital with a referral for further evaluation and care by a reconstructive urologist.
14. Section 456.072(1)(bb), Florida Statutes (2010), provides that performing or attempting to perform health care services (including the preparation of the patient) on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or

otherwise unrelated to the patient's diagnosis or medical condition is grounds for disciplinary action by the Board of Medicine.

15. Respondent performed an unauthorized procedure and/or a wrong-site procedure by removing a portion of Patient M.M.'s ureter (wrong-site) instead of removing the appendix (correct site).
16. Based on the foregoing, Respondent has violated Section 456.072(1)(bb), Florida Statutes (2010), by performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition.

(St. Ex. 2 at 21-25; Tr. at 42-43)

4. On August 7, 2013, Dr. Hagen entered into a Settlement Agreement ("Florida Agreement") with the Florida Department. According to the Florida Agreement, Dr. Hagen neither admitted nor denied the allegations of fact set forth in the Administrative Complaint but admitted that, if the allegations were proven, it would constitute violations of Chapter 458, Florida Statutes. He further agreed to a reprimand, a fine of \$10,000.00, and reimbursement of costs. He was also ordered to complete additional continuing medical education and undergo an evaluation by the Florida CARES program prior to practicing as a general surgeon or in a surgical setting. (St. Ex. 2 at 12-19)¹
5. On October 15, 2013, the Florida Board of Medicine issued a Final Order ("Florida Order") that adopted the Florida Agreement and imposed the sanctions set forth in the Florida Agreement.² (St. Ex. 2 at 9-11)

Testimony of Dr. Hagen

6. Dr. Hagen testified regarding the circumstances surrounding the May 2011 incident:

Well, I get called by the ER doctor who gives me the scenario. "This is a 35-year-old male who has a two-day history of abdominal pain, localizing to the right lower quadrant. We did a CT scan that shows what appears to be an inflamed appendix."

¹ Dr. Hagen confirmed that he was represented by an attorney when he entered into the Florida Agreement. (Tr. at 43)

² Of note, the Florida Order changed the amount in reimbursement costs that Dr. Hagen owed and also clarified that, if he went to the evaluation by Florida CARES, then he had to appear before the Florida Board with the recommendations from the evaluation. They further indicated that they could still impose terms and conditions on his practice. (St. Ex. 2 at 9-11)

* * *

In this guy's case, I did not do a laparoscopic [surgery], I did an open, only because, as I recall, his exam was just not - - I think I felt that maybe this thing had ruptured just based on his exam. Usually have pinpoint tenderness with an appendix. If it's more diffuse tenderness, then you kind of think, well, maybe the thing has ruptured, or something like that, and a laparoscopic procedure is not easy. Well, not not easy, but you can't really wash the whole area out very well with a scope as you can if you have an open procedure.

* * *

Well, when I did open the patient, I found a large amount of inflammation, more so than you would expect just from the appendix. The large bowel, the small bowel, all the structures in that area were very inflamed, and to me, it looked like it was probably more consistent with something like Crohn's disease. They can mimic each other. * * *

So I went looking for the appendix. I couldn't find it. I looked all around. And, anatomically, where the appendix should be, would be probably behind the cecum, you know. If you don't see it - - The cecum is attached - - part of it is attached to the back, the retroperitoneum, they call it, and part of it is right out there. So if the appendix isn't sitting right out in the open, sometimes it can be hidden behind the cecum in what we call the retrocecal plane. The ureter is retrocecal also. They're both back there.

So I was fishing around in the retrocecal plane looking for the appendix and I brought up what was a long, tubular structure, looked like it was probably an old appendix that, essentially broke off in my hands, and I thought, well, that's probably the remnants of the appendix. Either this guy's ruptured it and that's what [is] left, or it's secondarily inflamed from the Crohn's disease, I don't know, but I didn't find anything else that looked like an appendix, so I took that out.

(Tr. at 25-31)

7. Dr. Hagen stated that, after the surgery, the patient was exhibiting signs that "something was amiss":

[t]he patient didn't get any better. Usually, after you remove an appendix, you come in and see them the next day, they look good, you know, they're feeling better, they say, "Doc, you got the horrible thing out of me."

This guy just wasn't getting any better at all. I knew something was amiss. I didn't know what. But that kind of made me think, well, it's probably Crohn's disease since he didn't get better right away.

You know, Crohn's disease takes a while with the antibiotics and other treatments to get better, so that kind of confirmed my thought that it was Crohn's disease until I got the call from the pathologist that said it was actually a piece of ureter.

(Tr. at 32-33)

8. Dr. Hagen testified that, approximately two days later, he was informed that he did not remove the patient's appendix but rather the patient's ureter. (Tr. at 32, 73) He explained the complications that occurred due to the fact he removed the ureter instead of the appendix:

Obviously, if you've got a piece of ureter out, then the urine coming from the kidney going to the bladder isn't making it to the bladder anymore, it's just going to fill up * * *

[i]nside the body, so you have to get in there and somehow divert the urine. So then it's a mess of things that you have to do after that.³

(Tr. at 32-33)

9. Dr. Hagen testified that he and his medical partner subsequently opened the patient back up, located the appendix which was curled up and inflamed, and removed the appendix. (Tr. at 34)
10. Dr. Hagen acknowledged that he was unable to repair the ureter because a segment was missing from it. However, he stated that a reconstructive urologist subsequently performed a surgery to fix it. (Tr. at 34-35, 69)
11. When asked if removing the ureter instead of the appendix was a known risk or complication, Dr. Hagen stated that "if you look up ureter injury in appendectomies, there's people who have reported a series of them" but he later admitted that it was not a common risk. When asked if Crohn's disease can present with the same symptoms as appendicitis, he stated "it could" but then admitted, in retrospect, the inflammation that he saw in the patient was due to a burst appendix and not Crohn's disease. (Tr. at 68, 70-71)

³ Dr. Hagen added that a radiologist inserted a nephrostomy tube into the patient to divert urine from his body. (Tr. at 33)

12. Dr. Hagen testified that, prior to this incident, he had performed thousands of appendectomies and had no problems. (Tr. at 68-69)
13. Dr. Hagen testified that, after this incident, he stopped practicing as a surgeon. He stated that the hospital started an investigation into the incident and asked him to voluntarily suspend his privileges which he did. He explained that, as a result, he was unable to take call for his practice and subsequently could not afford his share of the overhead at the practice. He testified that he eventually sold his share of the practice. (Tr. at 35-37)
14. Dr. Hagen testified that he has no intention of returning to the practice of surgery. He further stated that, since he has been out of surgery for more than two years, he is required to get reevaluated by the Florida CARES program. (Tr. at 47)
15. Dr. Hagen testified that, pursuant to the Florida Agreement, he gave a lecture on “wrong side surgery” to residents at Shands Hospital in Gainesville, Florida. (Tr. at 45)
16. Dr. Hagen testified that the American Board of Surgery never took disciplinary action against him as a result of this incident. (Tr. at 66-67)
17. Dr. Hagen testified, since he did not return to surgery, he decided to retrain in addiction medicine because he could qualify for its boards based on his prior training. (Tr. at 41)
18. Dr. Hagen testified that currently he is the primary physician in the addiction medicine department at Schick Shadel in Florida. He explained that he treats adult patients and sees approximately 20 patients per day. He stated that he enjoys addiction medicine. (Tr. at 56)
19. When asked if he plans to practice in Ohio, Dr. Hagen answered as follows:

If I come to Ohio, I will come mostly as a retired person to enjoy what Ohio has to offer in the summer, and I would assume that I would more than likely donate my services to this little rehab that my hometown has created.⁴

(Tr. at 65)

20. Dr. Hagen offered the following statement to the Board:

I would hope that Ohio wouldn't find it necessary to sanction my license. I mean, it doesn't bother me, I suppose, to say that I can't do surgery. I'm not going to do surgery. I couldn't do surgery if I wanted to. But I don't

⁴ Dr. Hagen testified that the rehab center is named “House of Hope” in Celina, Ohio. (Tr. at 65)

think I should be limited in other respects, but I'll leave that - - That's just my own opinion.

(Tr. at 67)

Testimony and Letters of Support

21. Abbas Sina, M.D., an addiction medicine specialist, testified that he has worked with Dr. Hagen at Schick Shadel of Florida Hospital since July 2014. He stated that he sees Dr. Hagen two to three times per week. He commented that Dr. Hagen is "well liked and respected by his patients" and he works well with the staff. He testified that he has no reservations regarding Dr. Hagen practicing medicine in Ohio. (Tr. at 79-84)
22. William M. Greene, M.D., Assistant Professor in the Division of Addiction Medicine, University of Florida, submitted a letter in support of Dr. Hagen. (Resp. Ex. E) His letter states in pertinent part:

I enjoyed working closely with Dr. Hagen and getting to know him well over the course of his fellowship. He has demonstrated to me a keen ability to understand and manage complex patients with addiction and related physical and mental disorders. His write-ups have been excellent and thorough, and demonstrate sound clinical decision-making. He consistently gets the job done and does it well.

(Resp. Ex. E)

23. Jeffrey G. Standring, M.S., the Chief Operating Officer at Schick Shadel of Florida, submitted a letter in support of Dr. Hagen. He confirmed that Dr. Hagen is not practicing surgery because "surgery is not within the scope of our addictions treatment program, therefore surgical services are not required nor rendered." (Resp. Ex. G)

FINDING OF FACT

On August 7, 2013, Karl M. Hagen, M.D., entered into a Settlement Agreement ("Florida Agreement") with the Florida Department of Health ("Florida Department"). According to the Florida Agreement, the Florida Department cited Dr. Hagen for one or more errors or omissions he committed while performing surgery. Dr. Hagen was to remove his patient's appendix; instead, he removed a portion of his patient's ureter. He subsequently performed a second surgery on his patient and removed his patient's appendix, but he was unable to repair the urethral injury. On October 15, 2013, the Florida Board of Medicine issued a Final Order ("Florida Order") that adopted the Florida Agreement and imposed sanctions set forth in the Florida Agreement. Dr. Hagen was reprimanded and ordered to pay a fine of \$10,000.00 and

costs. He was also ordered to complete additional continuing medical education and undergo an evaluation by the Florida CARES program or its equivalent.

CONCLUSION OF LAW

The Florida Agreement and Florida Order as set forth in the Finding of Fact, individually and/or collectively, constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as set forth in R.C. 4731.22(B)(22).

DISCUSSION OF PROPOSED ORDER

It is undisputed that, as a result of a wrong site surgery, Dr. Hagen entered into a Settlement Agreement with the Florida Board to refrain from practicing surgery or in a setting in which he would provide surgical consultation until he is evaluated by the Florida CARES program. However, Dr. Hagen has not been evaluated by the Florida CARES program because he has not practiced as a surgeon in approximately four years. Dr. Hagen testified that he has no plans to practice surgery again and, in fact, has been retrained as an addiction medicine physician.

Counsel for the State asked that the Board mirror the Florida Order and suggested that, if Dr. Hagen returns to Ohio to practice surgery, then he should have a practice plan and monitoring physician.

Counsel for Dr. Hagen agreed that a reprimand is appropriate in this matter. However, she argued that a practice plan and monitoring physician is not necessary. She explained that, because Dr. Hagen has been out of surgery for almost four years, it is unlikely that Dr. Hagen would be able to return to surgery because he would have to be credentialed at a hospital and would have to get insurance. She expressed concern that, if the Board put a restriction upon his certificate, then there would be negative consequences on Dr. Hagen’s certificate such as difficulties with board certification, insurance coverage, and participating in Ohio Medicare and/or Medicaid.

Based on the foregoing, because this was an isolated incident on a single patient, the Hearing Examiner believes that a reprimand and a probationary term are sufficient in this matter. It is recommended that Dr. Hagen’s certificate be placed on probation for a period of at least two years, and if Dr. Hagen returns to Ohio to practice as a surgeon or in a setting in which he would provide surgical consultation, he must submit a practice plan to the Board as well as be monitored by a Board-approved physician.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **REPRIMAND:** Karl M. Hagen, M.D., is REPRIMANDED.
- B. **PROBATION:** The certificate of Dr. Hagen to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
 1. **Obey the Law:** Dr. Hagen shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Hagen shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there had been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Hagen shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Dr. Hagen shall also appear in person upon his request for termination of the probationary period, and/or as otherwise directed by the Board.
 4. **Evidence of Compliance with the Florida Order:** At the time he submits his declarations of compliance, Dr. Hagen shall also submit declarations under penalty of Board disciplinary action and/or criminal prosecution stating whether he has complied with all terms, conditions, and limitations imposed by the Florida Department, Case No. 2011-10794. Moreover, Dr. Hagen shall cause to be submitted to the Board copies of any reports, if any, that he submits to the Florida Department whenever and at the same time the Florida Department requires submission.
 5. **Notification of Change in Terms of the Florida Order:** Dr. Hagen shall immediately notify the Board in writing of any modification or change to any terms, conditions, or limitation imposed by the Florida Board in Case No. 2011-10794, including termination of the Florida Order.
 6. **Practice Plan and Monitoring Physician:** Prior to Dr. Hagen's commencement of practice in Ohio as a surgeon or in a setting in which he would provide surgical consultation, or as otherwise determined by the Board, Dr. Hagen shall submit to the

Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Hagen's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Hagen shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Hagen submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary and Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Hagen and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Hagen and his medical practice, and shall review Dr. Hagen's patient charts. The chart review may be done on a random basis, with the frequency and number of charts to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Hagen and his medical practice, and on the review of Dr. Hagen's patient charts. Dr. Hagen shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's office no later than the due date for Dr. Hagen's declarations of compliance.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Hagen shall immediately so notify the Board in writing. In addition, Dr. Hagen shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Dr. Hagen shall further ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Dr. Hagen's monitoring physician, or may withdraw its approval of any physician previously approved to serve as Dr. Hagen's monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

7. **Required Reporting of Change of Address:** Dr. Hagen shall notify the Board in writing of any change of address and/or principal practice address within 30 days of change.

8. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Hagen is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- C. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Hagen's certificate will be fully restored.
- D. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Hagen violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
- E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Hagen shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Hagen shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Hagen receives from the Board written notification of the successful completion of his probation.
- In the event that Dr. Hagen provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. Hagen receives from the Board written notification of the successful completion of his probation.
2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Hagen shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently

holds any license or certificate. Also, Dr. Hagen shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Hagen receives from the Board written notification of the successful completion of his probation.

3. **Required Documentation of the Reporting Required by Paragraph E:**
Dr. Hagen shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Danielle R. Blue, Esq.
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 9, 2015

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Mr. Kenney announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Mr. Kenney asked whether each member of the Board had received, read and considered the hearing records, the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Ranjan Prakash Bhandari, M.D.; Anureet Gill, M.D.; Marvin H. Rorick, M.D.; Lawrence Rothenberg, M.D.; Ping Wei; and Karl M. Hagen, M.D. A roll call was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

Mr. Kenney asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

Mr. Kenney noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in

further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In the matters before the Board today, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

Mr. Kenney reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
KARL M. HAGEN, M.D.
.....

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Karl M. Hagen, M.D. Dr. Soin seconded the motion.

.....
A vote was taken on Dr. Steinbergh's motion to approve:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Dr. Edgin	- aye

The motion to approve carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

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December 10, 2014

Case number: 14-CRF- 140

Karl M. Hagen, M.D.
9460 Wickham Way
Orlando, Florida 34761

Dear Doctor Hagen:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about August 7, 2013, you entered into a Settlement Agreement [Florida Agreement] with the Florida Department of Health [Florida Department]. According to the Florida Agreement, the Florida Department cited you for one or more errors or omissions you committed while performing surgery. You were to remove the patient's appendix; instead, you removed a portion of the patient's ureter. You subsequently performed a second surgery on the patient and removed the patient's appendix, but you were not able to repair the ureteral injury. On or about October 15, 2013, the Florida Board of Medicine issued a Final Order [Florida Order] that adopted the Florida Agreement and imposed the sanctions set forth in the Florida Agreement. You were reprimanded and ordered to pay a fine of \$10,000.00 and costs. You also were ordered to complete additional continuing medical education and undergo an evaluation by the Florida Cares program or its equivalent.

The Florida Agreement and Florida Order as alleged in paragraph (1) above constitute "[A]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Mailed 12-11-14

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Mark A. Bechtel, M.D.
Secretary

MAB/CDP/pev
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3111 7852
RETURN RECEIPT REQUESTED