



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: John H. Hagmann
Master Case No.: M2015-937
Document: Final Order

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of:

JOHN H. HAGMANN,
License No. MD.MD.00026657,

Respondent.

Master Case No. M2015-937

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND FINAL ORDER

APPEARANCES:

John H. Hagmann, the Respondent, by
The Rosenberg Law Group, PLLC, per
Jessica M. Creager, Attorney at Law

Department of Health Medical Program (Program), by
Office of the Attorney General, per
Tracy L. Bahm, Assistant Attorney General

PANEL: Kathleen O'Connor, Public Member, Panel Chair
John Loeser, M.D.
Yanling Yu, Ph.D., Public Member

PRESIDING OFFICER: Matthew R. Herington, Health Law Judge

A hearing was held in this matter on June 18, 2018, regarding allegations of unprofessional conduct. INDEFINITE SUSPENSION.

ISSUES

Did the Respondent commit unprofessional conduct as defined by RCW 18.130.180(5)?

If the Department proves unprofessional conduct, what are the appropriate sanctions under RCW 18.130.160?

SUMMARY OF PROCEEDINGS

At the hearing, the Program presented the testimony of Jennifer L. Deschenes.

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The Respondent testified on his own behalf, and presented the testimony of Giulio Noravese and Ian Rymer.

The following exhibits were admitted pursuant to Prehearing Order No. 15:

- D-1: Credential View Screen;
- D-2: Order of Summary Suspension, Virginia Board of Medicine, dated March 12, 2016;
- D-3: Order, Virginia Board of Medicine, dated July 6, 2015;
- D-4: Order on Appeal, Circuit Court of Stafford County Virginia, dated June 6, 2016;
- D-5: Letter from Jennifer L. Deschenes, J.D., M.S., Deputy Executive Director, Discipline, Virginia Board of Medicine, dated July 21, 2016;
- D-6: Opinion, Court of Appeals of Virginia, dated March 21, 2017;
- D-7: Virginia Supreme Court's letter of refusal to hear Respondent's appeal, dated November 6, 2017;
- R-1: Curriculum Vitae, John Hagmann, M.D.;
- R-26: Letters from former participants in Respondent's courses; and
- R-29: Course Manual: Operational Emergency Medical Skills Course that was taught by Dr. Hagmann.

I. FINDINGS OF FACT

1.1 The Respondent was granted a license to practice as a physician and surgeon in the state of Washington on August 2, 1989.

1.2 Prior to, during, and after attending medical school at the Uniformed Services University of the Health Sciences (USUHS), the Respondent served in the U.S. Army. After graduating from medical school, the Respondent taught operational

emergency medical skills courses to students at USUHS. After retiring from the U.S. Army in 2000, the Respondent continued to teach similar courses to a variety of students. In 2010, the Respondent again began teaching at USUHS.

1.3 On March 12, 2015, the Virginia Board of Medicine (Virginia Board) entered an Order of Summary Suspension, suspending the Respondent's license to practice medicine and surgery in the Commonwealth of Virginia. A formal hearing was then scheduled for the Respondent.

1.4 Although one continuance was granted, the Virginia Board denied the Respondent's request for a second continuance. The Respondent then chose not to appear at the formal hearing before the Virginia Board. The formal hearing was held on June 19, 2015, in the Respondent's absence.

1.5 On July 6, 2015, the Virginia Board issued a 23-page Order revoking the Respondent's Virginia license. The Virginia Board found, in part that:

- Dr. Hagmann exploited participants in his military course training programs for his personal gain. Additionally, Dr. Hagmann's conduct during his military course training programs represents a danger to the health and welfare of his patients and public. Specifically, by Dr. Hagmann's own admission, while conducting training courses for his business, Deployment Medicine International ("DMI"), in or about 2012 and 2013 in Colorado, Virginia, the United Kingdom, Maryland, and North Carolina, he authorized and allowed course participants, including medical students/military officers who he recruited from a uniformed services university in Maryland to perform invasive medical procedures on each other. These procedures were not undertaken or provided in good faith for medicinal or therapeutic purposes, were undocumented, and were not performed under adequate or appropriate sterile conditions. (Finding of Fact 3)
- In the absence of proper training and supervision, and absent medicinal or therapeutic purposes within the course of his

professional practice, Dr. Hagmann dispensed controlled substances to and instructed, authorized, or allowed course participants, who were not licensed by the Virginia Department of Health Professionals, to administer to or inject each other or themselves with ketamine; midazolam; lorazepam (C-IV); lidocaine (C-VI); benzocaine (C-VI); heparin (C-VI); Diamox (C-VI); prednisone (C-VI); dexamethasone (C-VI); and Viagra (C-VI). Further, Dr. Hagman directed, authorized, or allowed course participants to engage in "ketamine labs," "alcohol labs" or "studies," and "cognition labs," which involved the dosing of ketamine (a dissociative anesthetic) and consumption of alcohol, at times in combination or in quick succession, so that he could allegedly assess the effects of these substances on their cognition. None of these labs or studies was approved by an Institutional Review Board ("IRB"). (Finding of Fact 4)

- Dr. Hagmann dispensed...C-III and C-IV controlled substances (ketamine, midazolam, and lorazepam) to patients/individuals without being licensed by the Board of Pharmacy, as required.... (Finding of Fact 5)
- Dr. Hagmann failed to maintain a dispensing log for morphine administered to DMI course participants.... (Finding of Fact 6)
- Dr. Hagmann failed to obtain adequate or appropriate consent from [p]atients...who were purported to have "consented" to the administration of ketamine and benzodiazepines while under the influence of alcohol.... (Finding of Fact 7)
- From approximately July 5-8, 2013, Dr. Hagmann exploited, for personal gain and sexual gratification...participants in his Partlow, Virginia DMI...course.... (Finding of Fact 8)
- On or about July 8, 2013, while he was under the influence of alcohol, Dr. Hagmann examined/treated [a p]atient...and on or about July 9, 2013, he demonstrated a penile nerve block on a patient while under the influence of alcohol. (Finding of Fact 9)
- ...[I]n or about 2012 and 2013:
 - Prior to performing or instructing, authorizing, or allowing others to perform invasive procedures on or administer controlled substances to...patients, Dr. Hagmann failed to obtain and/or record medical histories. Further, despite the fact that Dr. Hagmann was the only licensed health care provider at the...courses he offered, during some procedures Dr. Hagmann was not present....
 - Dr. Hagmann failed to monitor and/or record the monitoring of...patients' vital signs during the invasive procedures performed on them, and failed to maintain medical records

- for certain procedures....
 - Dr. Hagman failed to provide follow-up care subsequent to ...intoxication or adverse reactions caused by the administration of ketamine after consuming alcohol....
 - Dr. Hagmann failed to record patient information regarding the administration, in or about July 2013, of "altitude" medications to...patients, to include Diamox, Viagra, prednisone, and dexamethasone, including the medical indication for administration and the effects that these medications had on...patients....
 - [For other patients], listed in Dr. Hagmann's July 2013 dispensing logs for ketamine, lorazepam, and midazolam, he failed to record patient information regarding the administration of these medications to...patients, including the medical indication for administration and the effect that these medications had on th[o]se patients. (Finding of Fact 10)
- Regarding [another p]atient..., a 45-year-old male (as of March 17, 2005), who Dr. Hagman treated, by his own admission, for pain management from approximately March 17, 2005-February 19, 2014 at his Partlow, Virginia course facility, at his Gig Harbor, Washington residence, and telephonically:
 - Despite the fact that Dr. Hagmann's initial March 17, 2005 medical record for [this p]atient,...a Virginia resident, indicates that the patient requested on this date "refills of chronic medications for frequent episodes of paraspinous muscle spasm," as well as of Viagra, and that, on or about that date, he prescribed the patient Percocet (C-II), Viagra, baclofen (C-VI), and chlordiazepoxide (C-VI), Dr. Hagmann's medical record fails to note any related examinations, consultation findings, or adequate rationale to support such prescribing.
 - Beginning with the [p]atient['s]... initial visit on or about March 17, 2005 and continuing through in or about February 2014, Dr. Hagmann failed to record the patient's blood pressure, weight, and other standard vitals, and failed to consistently perform and/or document adequate physical assessments and examination of [the p]atient.... Over the course of approximately nine (9) years, there are references in his treatment records to physical examinations on only three occasions: January 21 and June 21, 2008, wherein on both occasions Dr. Hagmann noted "Full PE WNL" and Mild L lumbar paraspinous spasm not symptomatic but visible and palpable"; and May 12, 2012, wherein Dr. Hagmann

noted: "Complete PE performed. . NL. No neuro deficit, but spasm."

- Despite the fact that Dr. Hagmann referred in his medical record to [this p]atient['s]...back surgeries (April 2009 and September 2013) and physical therapy (January/February 2014) and noted this treatment in his statement to the Virginia Department of Health Professions' investigator, he failed to consult or coordinate the patient's care and treatment with other treatment providers.
- Despite the fact that Dr. Hagmann treated [this p]atient...for pain management for approximately nine years, prescribing him Percocet, chlordiazepoxide, tramadol (C-VI), and/or Mobic (C-VI), he failed to develop a comprehensive treatment plan and/or to adequately review and monitor the efficacy of [the p]atient['s] treatment, including monitoring and managing [the p]atient['s]...usage of narcotic and benzodiazepine medications.... (Finding of Fact 11)¹

1.6 The Respondent subsequently appealed the July 6, 2015, Order. On June 6, 2016, the Circuit Court of Stafford County (Circuit Court) ordered that the July 6, 2015, Order be set aside and that the Virginia Board hold a new hearing.

1.7 However, the Virginia Board subsequently appealed the June 6, 2016, Circuit Court Order to the Court of Appeals of Virginia. On March 21, 2017, the Court of Appeals of Virginia remanded the case back to the Circuit Court with instructions that it reinstate the judgment of the Virginia Board revoking the Respondent's license to practice medicine.

1.8 The Respondent then appealed the Court of Appeals of Virginia's decision to the Supreme Court of Virginia. Via a letter issued November 3, 2017, the Supreme Court of Virginia refused the Respondent's petition for appeal.

¹ Finding of Fact 11 in the July 6, 2015, Order is appears to be incorrectly numbered as Finding of Fact 10.

1.9 Consequently, the Respondent's license to practice medicine in the Commonwealth of Virginia remains revoked pursuant to the Virginia Board's Order, dated July 6, 2015.

1.10 The Respondent will be eligible to petition for reinstatement in Virginia after five years have passed from the effective date of the July 6, 2015, Virginia Board Order.

II. CONCLUSIONS OF LAW

2.1 The Medical Quality Assurance Commission (Commission) has jurisdiction over the Respondent and subject of this proceeding. RCW 18.130.040.

2.2 The Washington Supreme Court has held the standard of proof in disciplinary proceedings against physicians is proof by clear and convincing evidence. *Nguyen v. Department of Health*, 144 Wn.2d 516, 534 (2001), cert. denied, 535 U.S. 904 (2002).

2.3 The Program proved by clear and convincing evidence that the Respondent committed unprofessional conduct as defined in RCW 18.130.180(5), which states:

Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

2.4 The Program requested that the Respondent remain suspended until such time as the Virginia Board allows the Respondent to return to practice. The Respondent requested an alternative sanction, and pointed to possible mitigating factors.

2.5 Safeguarding the public's health and safety is the paramount responsibility of every disciplining authority. In determining the appropriate sanctions, public safety must be considered before the rehabilitation of the Respondent. RCW 18.130.160.

2.6 The unprofessional conduct in this case is not described in a sanctioning schedule in Chapter 246-16. Thus, the panel used its judgment to determine sanctions. WAC 246-16-800(2)(d). The panel considered the following aggravating factor when determining the sanction in this matter: the egregiousness of the underlying conduct by the Respondent. The panel considered the following mitigating factor when determining the sanction in this matter: no prior discipline in the state of Washington.

III. ORDER

3.1 The Respondent's license to practice as a physician and surgeon in the state of Washington is INDEFINITELY SUSPENDED.

3.2 Reinstatement. The Respondent may petition for reinstatement of his physician and surgeon credential in the state of Washington upon full reinstatement of his license to practice medicine and surgery in the Commonwealth of Virginia. If the Respondent petitions for reinstatement, the Disciplining Authority may place terms and conditions on the Respondent's credential as deemed necessary to protect the health and safety of the public. Such conditions may include, but not be limited to, the Respondent enrolling and participating in the Washington Health Professional Services (WHPS) monitoring program at his expense until the WHPS monitoring program determines that participation in the monitoring program is no longer necessary.

3.3 Change of Address. The Respondent shall inform the program manager and the Adjudicative Service Unit, in writing, of changes in her residential and/or business address within 30 days of such change.

3.4 Assume Compliance Costs. The Respondent shall assume all costs of complying with all requirements, terms, and conditions of this Order.

Dated this 27 day of July, 2018.

Medical Quality Assurance Commission


KATHLEEN O'CONNOR
Panel Chair

CLERK'S SUMMARY

<u>Charge</u>	<u>Action</u>
18.130.180(5)	Violated

NOTICE TO PARTIES

This order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any other applicable interstate or national reporting requirements. If discipline is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either party may file a petition for reconsideration. RCW 34.05.461(3); 34.05.470. The petition must be filed within 10 days of service of this order with:

Adjudicative Service Unit
P.O. Box 47879
Olympia, WA 98504-7879

and a copy must be sent to:

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Department of Health Medical Program
P.O. Box 7866
Olympia, WA 98504-7866

The petition must state the specific grounds for reconsideration and what relief is requested. WAC 246-11-580. The petition is denied if the Presiding Officer does not respond in writing within 20 days of the filing of the petition.

A **petition for judicial review** must be filed and served within 30 days after service of this order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, the above 30-day period does not start until the petition is resolved. RCW 34.05.470(3).

The order is in effect while a petition for reconsideration or review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit. RCW 34.05.010(6). This order is "served" the day it is deposited in the United States mail. RCW 34.05.010(19).

For more information, visit our website at: <http://www.doh.wa.gov/hearings>