

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
EDWARD P. HAGEN, D.O., :
RESPONDENT. : **ORDER 0008408**

Division of Legal Services and Compliance Case Nos.
21 MED 479, 22 MED 009 and 22 MED 250

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

Edward P. Hagen, D.O.
Hudson, WI 54016

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-f8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in these matters agree to the terms and conditions of the attached Stipulation as the final disposition, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Edward P. Hagen, D.O., (Year of Birth 1961) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 54529-21, first issued on May 20, 2010, with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Hudson, Wisconsin 54016.

Prior Discipline

2. On June 19, 2013, the Board issued Order No. 0002487 reprimanding Respondent for prescribing controlled substances to a neighbor as a favor without performing an exam, consulting with the neighbor's treating physician, or maintaining any medical records. As part of the Findings of Fact, Respondent represented to the Board that he would never write another prescription for anyone without having seen them, completing an appropriate history and physical exam, developing an assessment, and completing a plan.

3. At all times relevant to these matters, Respondent was an OB/GYN practicing anti-aging and regenerative medicine at his own clinic in Hudson, Wisconsin (Clinic). During the COVID-19 pandemic, it was within the standard of care to conduct virtual patient visits without in-person physical examinations when appropriate.

Case No. 21 MED 479

4. On October 20, 2021, Respondent conducted an initial virtual visit with Patient R.N. (a male born in 1940) and his son, Patient G.N. (born in 1968), who had both tested positive for COVID-19. Patient R.N. had been hospitalized. Respondent prescribed both patients with Ivermectin 54mg, instructing them to take one dose for five days.

5. Respondent maintains that he informed both patients that Ivermectin was not FDA-approved to treat COVID-19. However, Respondent failed to note this in either patient's chart, noting only in Patient R.N.'s chart that he talked about the "pros and cons of Ivermectin."

6. Respondent also maintains that all patients are screened and asked about allergies, current medications, and any medical conditions they have. However, Respondent's entire chart notation for Patient G.N. for that visit was as follows:

[Patient G.N.] is the son of [Patient R.N.]. He also was sick with a virus. Is not been as sick as long as [Patient R.N.]. He weights 257 pounds an to put them on Ivermectin 54 mg. Is to take the supplements gargle with miles wash check his pulse oximeter and take a full dose aspirin. He will call if you become sicker or go to the hospital.

7. Respondent failed to chart an appropriate medical history, current medications, or allergies for either patient.

8. Patient G.N. died four days later. The cause of death was listed on his death certificate as "probable COVID-19 infection," however no autopsy was performed to confirm the cause of death.

9. On April 12, 2022, Respondent called Patient R.N. to check up on him. Patient R.N. thanked Respondent for everything he did for Patient G.N.

Case No. 22 MED 009

10. On October 6, 2021, Patient J.R. (a male born in 1955) contacted Respondent to request Ivermectin in case he developed COVID-19. Respondent had not previously treated Patient J.R.

11. Respondent maintains that all patients are screened and asked about allergies, current medications, and any medical conditions they have. However, Respondent issued a prescription for Ivermectin 40mg to Patient J.R. without charting an appropriate history or listing his current medications or allergies. Respondent's entire chart notation for that visit was as follows:

Patient would just like a prescription for Ivermectin to have on hand. They understand that Ivermectin is an off label use for covid. According to the FDA it is not been approved for this or studied. We are using the FLCCC protocol. They are instructed to call if they becomes sick. They were sent a list of the other supplements they need to take. Ivermectin is done by weight, and in appropriate dose was called for their weight. They will call if they have any questions.

12. On December 8, 2021, Respondent wrote another prescription for Ivermectin 40mg to Patient J.R. with no corresponding note in the chart. On December 15, 2021, Respondent prescribed Zithromax 500mg and Medrol Dosepak 4mg to Patient J.R. and added the following note to Patient J.R.'s chart:

Patient is sick with Covid. They would like Ivermectin. They understand that Ivermectin is not FDA approved for covid. I know that this is an off label use. They understand the risks and benefits. They know that we are using the FLCCC protocol. They're giving their list of supplements. They are to gargle with mouthwash 2 to 3 times a day. They are to have a pulse oximeter. They are to take a full those aspirin unless contraindicated. They know that they can go to the hospital at anytime. They know that they can go see their primary care doctor at anytime. They also understand that by me writing this prescription I am not their primary care doctor. They will call if they have any other questions.

Been sick since last Tuesday. This morning he work up his oxygen was 82 83 84 it's now up to the low 90s. I talk to my phone quite a while he went to graduate school in Tulsa from Texas. He sounds good on the phone not coughing much but I told him and his wife that he gets sick or he's gonna have to go to the hospital.

13. On December 17, 2021, Respondent prescribed Ivermectin 54mg to Patient J.R. and charted the following:

Talked with his daughter [name omitted] he's in the hospital he's been there since Tuesday. On high flow oxygen. The request in the hospital do other things for him I told multi flccc.net website and how to approach this. We're also going to get them or Ivermectin at 54 mg at .6 mg per kilogram.

14. On January 8, 2022, Patient J.R. died. His final diagnoses were acute hypoxic respiratory failure, COVID-19 pneumonia, and superimposed MRSA HAP.

15. On September 16, 2021, Patient J.Z. (a male born in 1961) was hospitalized for COVID-19.

16. On October 1, 2021, Patient J.Z.'s nephew and his wife contacted Respondent in search of an alternative treatment for Patient J.Z. The chart includes a partial medical, family, and social history which was completed by his nephew's wife online. Respondent charted the following:

[Patient J.Z.'s] niece called us he's in the hospital in the ICU. He is very sick they want him to have ivermectin and need a prescription. The hospital is refusing to give it to him and they have a lawyer on the case but they need a prescription to show to the judge. His weight is hundred and 9 kg. Send him a prescription for ivermectin 66 mg for five days also told him to get on the FLCCC.net website.

17. Respondent prescribed Ivermectin 66mg to Patient J.Z. without speaking to him personally, conferring with his treating physicians, or reviewing his medical records. The prescription notes drug allergies are "unknown."

18. On October 7, 2021, Patient J.Z.'s nephew and power of attorney, filed suit in Waukesha County Circuit Court¹ requesting an injunction to force the hospital to administer the Ivermectin to Patient J.Z. after the hospital refused to administer it.

19. On October 12, 2021, as part of the court proceeding, Respondent filed an affidavit swearing he had spoken with Patient J.Z.'s nephew who conveyed detailed information about Patient J.Z.'s condition, which was the basis of the Ivermectin prescription. Respondent failed to document this conversation in Patient J.Z.'s chart.

20. On February 10, 2022, Patient J.Z. was discharged from the hospital.

21. In resolution of these matters, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

¹ Case No. 2021CV001469. The Circuit Court granted the request for an injunction. However, the Court of Appeals reversed (*see Gahl v. Aurora*, 2021AP1787, May 25, 2022). On September 14, 2022, the Wisconsin Supreme Court granted Gahl's petition for review.

3. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(e) by failing to establish and maintain timely patient health care records, including records of prescription orders, under s. Med 21.03, or as otherwise required by law.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (number 54529-21) are SUSPENDED for thirty (30) days from the date of this Order. The suspension is immediately STAYED.

4. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (number 54529-21) are LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete six (6) hours of education on the topic of recordkeeping, and three (3) hours of education on the topic of performing a patient assessment and history offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- d. This limitation shall be removed from Respondent's license and registration after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of these matters in the amount of \$3,943.00.

6. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

7. In the event Respondent violates any term of this Order, Respondent's license and registration (number 54529-21), or Respondent's right to renew his license and registration, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Shelton A. Wasserman, MD
A Member of the Board

2/15/2023
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EDWARD P. HAGEN, D.O.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008403

Division of Legal Services and Compliance Case Nos.
21 MED 479, 22 MED 009 and 22 MED 250

Respondent Edward P. Hagen, D.O., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of three pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Maria Schneider.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matters shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not


accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.


8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



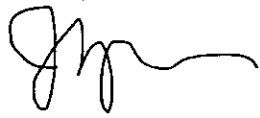
Edward P. Hagen, D.O., Respondent
Hudson, WI 54016
License No. 54529-21

1/26/2023
Date



Maria Schneider, Attorney for Respondent
Gutglass, Erickson, Larson & Schneider, S.C.
735 N. Water St., Suite 1400
Milwaukee, WI 53202

1/26/2023
Date



Julie Zimmer, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

1/27/2023
Date