

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

JUL 02 2010

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

vs.)

CASE NO. 09-08-3825

DIANA LYNN HAGER, M.D.,)
LICENSE NO. 18136)

Defendant.)

COMPLAINT

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Diana Lynn Hager, M.D., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.*
2. Defendant, Diana Lynn Hager, M.D., holds Oklahoma license no. 18136.
3. On or about July 1, 1995, Defendant was granted a full Oklahoma medical license, which she held until 1996 when she let it expire.
4. On or about November 10, 2005, Defendant voluntarily relinquished her privileges at Deaconess Medical Center in Spokane, Washington. The relinquishment of privileges was based on the hospital bylaws which provided that a continued pattern of medical record delinquency would result in voluntary relinquishment of staff privileges.
5. On or about December 19, 2006, Defendant's privileges were summarily suspended at Sacred Heart Medical Center in Spokane, Washington because of "concerns with patient safety relative to clinical management and judgment, as well as unacceptable clinical documentation practices."

6. On or about June 21, 2007, Defendant requested that her gynecologic privileges at Sacred Heart Medical Center be reinstated. Her request was granted. However, her obstetric privileges were not reinstated. Under her agreement with the hospital, after five (5) years, she could reapply for obstetric privileges. Defendant additionally agreed to fully comply with all bylaws requirements, including those relating to clinical documentation.

7. On or about July 17, 2007, Sacred Heart Medical Center terminated the clinical privileges of Defendant based upon her failure to comply with all bylaws requirements, specifically those relating to clinical documentation.

8. On or about August 6, 2007, Defendant submitted an application to obtain a Colorado medical license. On her application for license, Defendant was asked the following question: "Have either your medical staff membership or clinical privileges at any hospital or healthcare facility...been voluntarily or involuntarily reduced, limited, placed on probation, not renewed or relinquished?" Defendant responded "YES" and disclosed only the suspension of her privileges at Sacred Heart Medical Center wherein she described it as a suspension based on delinquent medical records. Defendant did not disclose her voluntary relinquishment of privileges at Deaconess Medical Center in 2005.

9. On or about April 30, 2008, Defendant submitted her application for reinstatement of her Oklahoma medical license. In response to the question "Have you ever been denied or had removed or suspended hospital staff privileges?" Defendant did not check either box.

10. On or about September 18, 2008, Defendant appeared before the Oklahoma State Board of Medical Licensure and Supervision on her reinstatement application. When questioned as to why she had not answered the question set forth in para. 9 above, Defendant's attorney advised the Board that Defendant did not intentionally fail to answer the question, and that Defendant was available to explain what happened at "that Washington hospital". Defendant's attorney additionally submitted a letter on this same date to the Board explaining that she should have answered this question "Yes" as it related to her suspension at Sacred Heart Medical Center. Neither Defendant nor Defendant's attorney ever advised the Board of Defendant's voluntary relinquishment of privileges at Deaconess Medical Center.

11. On or about April 2, 2009, Defendant applied for privileges at Integris Baptist Hospital in Oklahoma City, Oklahoma. When asked to list all previous hospital affiliations, Defendant failed to disclose her affiliations with Sacred Heart Medical Center in Spokane, Washington and Deaconess Medical Center in Spokane, Washington. Defendant additionally had provided medical care to a patient hospitalized at Integris prior to receiving any privileges at Integris. Based on these facts, Integris denied Defendant's application for privileges.

12. On or about April 2, 2009, Defendant applied for privileges at Foundation Surgery Center in Oklahoma City, Oklahoma. When asked to list all previous hospital affiliations, Defendant failed to disclose her affiliations with Sacred Heart Medical Center in Spokane,

Washington and with Deaconess Medical Center in Spokane, Washington. Defendant was granted privileges at Foundation Surgery Center

13. On or about July 29, 2009, Defendant applied for privileges at Deaconess Hospital in Oklahoma City, Oklahoma. When asked to list all previous hospital affiliations, Defendant listed Deaconess Medical Center in Spokane, Washington, but represented that she voluntarily gave up those privileges to concentrate her practice at a single facility. Defendant did not disclose that she was forced to voluntarily relinquish her privileges due to delinquent medical records issues. Defendant additionally listed Sacred Heart Medical Center, but represented that she ceased practicing there due to "Professional relocation back to home state". Defendant did not disclose that she had been suspended by Sacred Heart Medical Center.

14. Defendant additionally represented to Deaconess Hospital that she had been off work from July 2007 until April 2009 due to relocation of her practice. Defendant did not disclose that she had lost all hospital privileges by July 2007.

15. Defendant is guilty of unprofessional conduct in that she:

A. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39),

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).

C. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

D. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

E. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

F. Used a false, fraudulent or deceptive statement in a document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

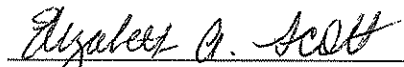
16. These allegations raise serious concerns about Defendant's ability to practice as

a physician and surgeon in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 2nd day of July, 2010 at 7:57 am.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

101 N.E. 51st Street

Oklahoma City, OK 73105

Attorney for State ex rel.

Oklahoma Board of Medical Licensure and
Supervision