

STATE OF OHIO  
THE STATE MEDICAL BOARD OF OHIO  
65 SOUTH FRONT STREET  
SUITE 510  
COLUMBUS, OHIO 43266-0315

June 17, 1988

Michael J. Gallagher, M.D.  
1036 Rockafellow Court  
Canon City, Colorado 81212

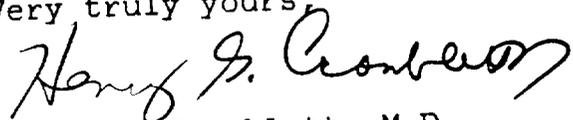
Dear Doctor Gallagher:

Please find enclosed a certified copy of the Findings, Order, and Journal Entry approved and confirmed by the State Medical board meeting in regular session on June 15, 1988.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,



Henry G. Cramblett, M.D.  
Secretary

HGC:em

CERTIFIED MAIL NO. P 746 510 495  
RETURN RECEIPT REQUESTED

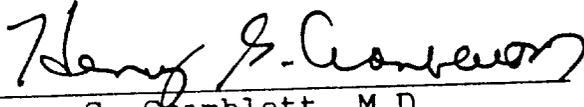
STATE MEDICAL BOARD OF OHIO

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order, and Journal Entry, approved by the State Medical Board, meeting in regular session on June 15, 1988, constitutes a true and complete copy of the Findings, Order and Journal Entry in the matter of Michael J. Gallagher, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio acting in its behalf.

(SEAL)

  
Henry G. Cramblett, M.D.  
Secretary

June 17, 1988

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

★

★

MICHAEL J. GALLAGHER, M.D.

★

FINDINGS, ORDER AND JOURNAL ENTRY

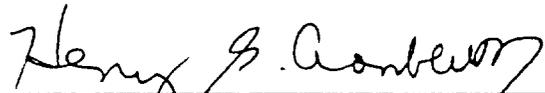
On April 13, 1988, notice was given to Michael J. Gallagher, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine or surgery in Ohio. Dr. Gallagher was further notified that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. Dr. Gallagher did request a hearing, but more than thirty (30) days had elapsed since the mailing of the aforesaid notice.

WHEREFORE, it is hereby ORDERED for the reasons outlined in the April 13, 1988 letter of notice, which is attached hereto and fully incorporated herein, that the license of Michael J. Gallagher, M.D., to practice medicine or surgery in Ohio be INDEFINITELY SUSPENDED.

This ORDER shall become effective immediately.

This ORDER is hereby entered upon the Journal of the State Medical Board of Ohio for the 15th day of June, 1988, and the original thereof shall be kept with said Journal.

(SEAL)



Henry G. Cramblett, M.D.  
Secretary

June 17, 1988

Date

STATE OF OHIO  
THE STATE MEDICAL BOARD  
65 South Front Street  
Suite 510  
Columbus, Ohio 43266-0315

April 13, 1988

Michael J. Gallagher, M.D.  
1036 Rockafellow Court  
Canon City, Colorado 81212

Dear Doctor Gallagher:

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

- (1) On or about February 12, 1988, the Colorado State Board of Medical Examiners suspended your license to practice medicine in the State of Colorado for an indefinite period of time based upon a Stipulation and Order which is attached hereto and fully incorporated by reference herein.

The suspension of your Colorado license, as alleged in the above paragraph (1), constitutes "the limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees", as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(19) Ohio Revised Code.

The admissions upon which the suspension of your Colorado license was based demonstrate your "inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills" pursuant to Section 4731.22(B)(19), Ohio Revised Code.

STATE OF OHIO  
THE STATE MEDICAL BOARD

Page Two  
Michael J. Gallagher, M.D.

April 13, 1988

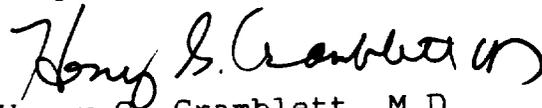
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing this notice.

You are further advised that 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 the 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 (30) 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, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.  
Secretary

HGC:caa

Enclosures

CERTIFIED MAIL RECEIPT NO. P 026 073 459  
RETURN RECEIPT REQUESTED

# STATE OF COLORADO

## BOARD OF MEDICAL EXAMINERS

Thomas J. Beckett  
Program Administrator

1525 Sherman St., Room 132  
Denver, Colorado 80203  
Phone (303) 866-2468

## Department of Regulatory Agencies

Steven V. Berson,

Executive Director

## Division of Registrations

Bruce M. Douglas, Director



Roy Romer  
Governor

TO WHOM IT MAY CONCERN:

I, Cheryl A. Marti, Consultant for the Colorado State Board of Medical Examiners, and Custodian of the Records, do hereby certify that the attached Stipulation and Order dated January 28, 1988 in the matter of Disciplinary Proceedings Regarding the License to Practice Medicine of Michael J. Gallagher, M.D., is a true and correct copy of the records of the Colorado State Board of Medical Examiners in the above referenced matter.

Dated this 25<sup>th</sup> day of March 1988.

Subscribed and sworn under the seal of the Colorado State Board of Medical Examiners, pursuant to the provision of section 12-36-104(1)(c), C.R.S. 1985.

COLORADO STATE BOARD OF MEDICAL EXAMINERS

  
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CHERYL A. MARTI  
CONSULTANT AND CUSTODIAN OF RECORDS

BME

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS  
STATE OF COLORADO

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STIPULATION AND ORDER  
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IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE  
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF  
MICHAEL J. GALLAGHER, M.D.  
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IT IS HEREBY STIPULATED AND AGREED between the Colorado  
State Board of Medical Examiners (hereinafter "the Board") and  
Michael J. Gallagher, M.D. (hereinafter "respondent") as follows:

WHEREAS, the respondent was licensed to practice medicine  
in Colorado on April 10, 1986; and

WHEREAS, the Board has been informed by the administration  
of St. Thomas More Hospital in Canon City, Colorado, that the  
respondent's medical staff membership and privileges to practice  
medicine at St. Thomas More Hospital have been suspended in order  
to reduce the substantial likelihood of immediate injury or dam-  
age to the health and safety of patients at St. Thomas More  
Hospital; and

WHEREAS, the Board has been informed that the respondent  
has been hospitalized in the psychiatric ward at Parkview Hospi-  
tal in Pueblo, Colorado and continues to undergo psychiatric care  
and treatment; and

WHEREAS, the Board has the statutory responsibility and  
obligation to protect the public health, safety, and welfare by  
regulating the practice of medicine as set forth in the Medical  
Practice Act of Colorado, sections 12-36-101 through 136, C.R.S.  
(1985);

NOW, THEREFORE, the following stipulation is entered into  
by and between the undersigned parties for the purpose of allow-  
ing its terms to become an order of the Board.

IT IS STIPULATED, AGREED AND ORDERED AS FOLLOWS:

1. The respondent was licensed by the Board to practice medicine on or about April 10, 1986 and was so licensed at all time pertinent herein. The Board has jurisdiction over the person of respondent and the subject matter as set forth herein.

2. The respondent admits the following:

a. The administration of St. Thomas More Hospital in Canon City, Colorado, has summarily suspended the medical staff membership and privileges to practice medicine of the respondent at that hospital. Such action was taken to reduce the substantial likelihood of injury or damage to the health and safety of the patients of St. Thomas More Hospital.

b. The respondent has been hospitalized in the psychiatric ward at Parkview Hospital in Pueblo, Colorado.

c. The respondent continues to undergo psychiatric care and treatment and is in need of further such treatment.

3. By the events and conduct admitted in paragraph 2 above, the respondent admits, and the Board hereby finds, that the respondent has violated the Medical Practice Act of Colorado, section 12-36-117(1)(o), C.R.S. (1985) in the following particulars:

a. "Such physical or mental disability to render the licensee unable to perform medical services with reasonable skill and with safety to the patient;"

4. The respondent understands that he has the right to consult with an attorney of his own choosing and that his right to a hearing pursuant to section 12-36-119, C.R.S. (1985) with regard to the facts and conduct contained in paragraph 2 and 3, he is relieving the Board of its burden to prove such facts and conduct. The respondent voluntarily and willingly gives up his right to present his defense by oral testimony and documentary evidence, to conduct such cross-examination of witnesses as may be required, and to waive any and all substantive procedural motions and defenses that could be raised if a hearing had been held.

5. The Board, by this Stipulation and Order, hereby suspends the respondent's license to practice medicine in Colorado for an indefinite period of time, starting from the date this stipulation is accepted and signed by the Board. During the

period of this suspension, the respondent may not practice medicine in any respect.

6. Pursuant to section 12-36-119, C.R.S. (1985), the respondent may reapply at any time for modification or termination of these restrictions, upon showing that the respondent is now able to practice medicine with skill and safety to his patients. The respondent specifically agrees that he will release to the Board any and all records concerning the medical and psychiatric care he has received at Parkview Hospital and all subsequent treating physicians, psychiatrists, psychologists, and counselors.

7. By this Stipulation and Order, the Board does not intend to waive any rights it may have to bring further disciplinary action based on the criminal charges now pending against respondent in Fremont County for the events which occurred at St. Thomas More Hospital in Canon City on October 15, 1987, or the conduct underlying those charges.

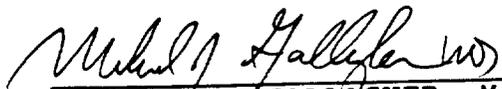
8. This document shall be a public record in the custody of the Board.

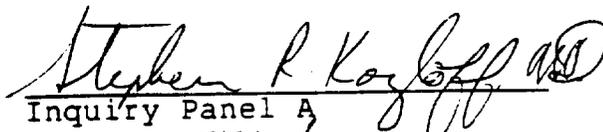
9. This Stipulation and Order is entered into by the respondent voluntarily and without coercion and after his having had an opportunity to consult with his attorney. The order of the Board resulting from this Stipulation and Order shall possess the same force and effect as an order entered into as a result of a full disciplinary hearing pursuant to 12-36-118, C.R.S. (1985).

10. This Stipulation and Order shall take effect on acceptance and signature by the Board.

DATED this 28<sup>th</sup> day of January, 1988.

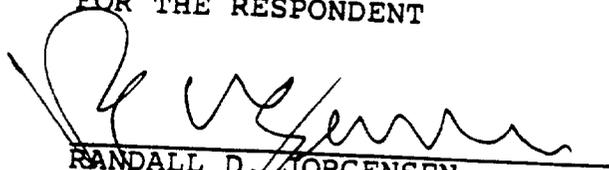
COLORADO STATE BOARD OF  
MEDICAL EXAMINERS

  
MICHAEL J. GALLAGHER, M.D.  
Respondent

  
Inquiry Panel A  
signed  
February 12, 1988  
Cam

APPROVED AS TO FORM:

FOR THE RESPONDENT

  
RANDALL D. JORGENSEN,  
701 Grand Avenue  
Pueblo, Colorado 81003

FOR THE ATTORNEY GENERAL

  
WILLIAM J. HIGGINS, 191  
First Assistant Attorney General  
Regulatory Law Section

Attorneys for the Colorado  
State Board of Medical Examiners

1525 Sherman St., 3d Floor  
Denver, Colorado 80203  
Telephone: 866-5146  
AG Alpha No. RG ME DAHMY  
AG File No. ERL716