

THE SOUTH DAKOTA STATE BOARD OF MEDICAL AND

OSTEOPATHIC EXAMINERS

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IN THE MATTER OF THE MEDICAL LICENSE
OF STANLEY C. GALLAGHER, D.O.
License Number: 3948

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* AGREED DISPOSITION
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This Agreement, made and entered into by the South Dakota State Board of Medical and Osteopathic Examiners, hereinafter referred to as Board, and Stanley C. Gallagher, D.O., hereinafter referred to as Dr. Gallagher, WITNESSETH:

WHEREAS, the Board has received information with respect to disciplinary proceedings pending before the Minnesota Board of Medical Practice against Dr. Gallagher; and

WHEREAS, as a result of the disciplinary proceedings, the Minnesota Board of Medical Practice entered an Order reprimanding Dr. Gallagher and conditioning and restricting Dr. Gallagher's license to practice medicine and surgery in the State of Minnesota; and

WHEREAS, due to the fact Dr. Gallagher is the holder of a license to practice medicine in the State of South Dakota and is engaged in the practice of medicine herein, the Board deems it appropriate to impose conditions and restrictions on his license to practice medicine in the State of South Dakota; and

WHEREAS, the parties hereto agree to resolve issues relative to the imposition of conditions and restrictions on Dr. Gallagher's license to practice medicine in this state without the necessity of the Board filing a formal complaint or notice of hearing pursuant to SDCL 1-26-9; and

WHEREAS, the parties agree the Board is empowered pursuant to SDCL 1-26-20 to informally settle contested cases relative to the licensure of physicians by the Board; and

WHEREAS, the parties have reached agreement as to the terms and conditions whereby the Board would enter an Order relative to the imposition of certain terms and conditions upon Dr. Gallagher's license to practice medicine in the State of South Dakota;

NOW, THEREFORE, based upon the foregoing, the parties stipulate and agree as follows:

1. Dr. Gallagher does hereby consent that upon the Board's motion, made without notice and hearing thereon, the Board may adopt and enter an Order reprimanding Dr. Gallagher, and conditioning and restricting Dr. Gallagher's license to practice medicine and surgery in the State of South Dakota as follows:

- a. Dr. Stanley C. Gallagher shall be REPRIMANDED by the Board.

b. Dr. Stanley C. Gallagher shall show compliance with an Individualized Education Plan as ordered by the Minnesota Board of Medical Practice for Physicians (CPEP) Program. Failure to comply with the Individualized Education Plan shall constitute a violation of this Agreement.

c. Dr. Gallagher shall successfully complete such courses as ordered by the Minnesota Board of Medical Practice in conformity with the Order entered by the Minnesota Board of Medical Practice and submit evidence of compliance with such Order to this Board. Such courses shall include:

(1) Medical Records Management (to include an audit of Dr. Gallagher's records six months from the date of completion of the course);

(2) Professional boundaries.

d. Dr. Gallagher shall limit his work schedule to the extent and manner as ordered by the Minnesota Board of Medical Practice.

e. Dr. Gallagher shall adopt and utilize at all times a charting system that includes problem and medication lists, flow sheets and narcotic contracts consistent with the Order of the Minnesota Board of Medical Practice.

f. Dr. Gallagher shall permit access by the Board to quarterly reports submitted to the Minnesota Board of Medical Practice regarding his overall work performance, which reports shall identify any questions or concerns regarding Dr. Gallagher's care and treatment of patients.

g. Dr. Gallagher shall be solely responsible to provide evidence of the successful completion of the terms and conditions of the Order entered by the Minnesota Board of Medical Practice.

2. In furtherance of the provisions of Paragraph 1. above, Dr. Gallagher shall provide to the Board all necessary authorizations or releases to permit persons or entities referenced herein, including the Minnesota Board of Medical Practice to share compliance information with this Board.

3. This Order shall take effect on the date of the adoption and the signing of this Agreement by this Board and shall remain in effect for a period consistent with the May 15, 2004 Order entered by the Minnesota Board of Medical Practice, but no less than two year(s) from and after May 15, 2004. At the end of such period, Dr. Gallagher may petition this Board for reinstatement of an unconditional license to practice medicine and upon hearing thereon and compliance being shown with this Order, the Board may remove the conditions set herein.

4. Within ten (10) days of signing the Agreement, Dr. Gallagher shall provide the Board with a list of all hospitals and skilled nursing facilities in the State of South Dakota at which he currently has medical staff privileges, a list of all states in which Dr. Gallagher is licensed or has applied for licensure, and the addresses and telephone numbers of Dr. Gallagher's residences and all work sites. Within seven (7) days of changes to any of the above work sites, Dr. Gallagher shall provide the Board with the new address and telephone information. Such information shall be sent to L. Paul Jensen of the South Dakota State Board of Medical and Osteopathic Examiners at 1323 S. Minnesota Avenue, Sioux Falls, South Dakota 57105.

5. If Dr. Gallagher shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Board shall cause to be mailed to Dr. Gallagher a Notice of Hearing alleging a violation of this Agreement and the Board shall further notify Dr. Gallagher of the time and place of the hearing consistent with the requirements of SDCL Chapters 1-26 and 36-4.

At any such hearing before the Board, the Board and Dr. Gallagher may submit evidence and argument in support of their positions and the Board may determine to take additional disciplinary actions or impose additional sanctions, including

additional conditions or limitations on Dr. Gallagher's right to practice medicine in the State of South Dakota, or the cancellation, suspension or revocation of his license to practice medicine in the State of South Dakota.

6. In the event the Board in its discretion does not approve this settlement, this Agreement shall be considered withdrawn, shall be of no evidentiary value and shall not be relied upon nor introduced by either party in any disciplinary action. In addition, Dr. Gallagher agrees that should the Board reject this Agreement and if this case proceeds to hearing, he shall assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any records relative hereto.

7. Dr. Gallagher waives any further hearings on this matter before the Board to which Dr. Gallagher may be entitled by South Dakota or United States constitutions, statutes, or rules and agrees that an Order may be entered by the Board pursuant to this Agreement and that such Order shall be the final Order herein. Dr. Gallagher hereby acknowledges that he has read and understands this Agreement and has voluntarily entered into this Agreement without threat or promise by the Board or any of its members, employees, or agents. This document contains the entire agreement between the parties and

there exists no other agreement of any kind, verbal or otherwise, which may vary the terms of this Agreement.

8. Dr. Gallagher understands and agrees that the entry of an Order by this Board shall cause a report to be filed by this Board with the National Practitioner Data Bank as an adverse licensure action.

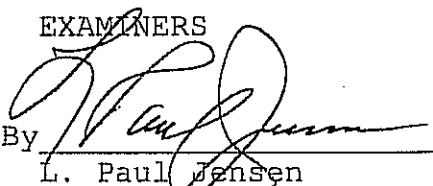
9. Dr. Gallagher agrees he has knowingly and voluntarily waived his right to legal counsel in this matter and is under no disability which would effect his consideration of or ability to consent to the terms and conditions of this Agreement.

10. That the parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this Agreement.

Dated this 9 day of December, 2004.

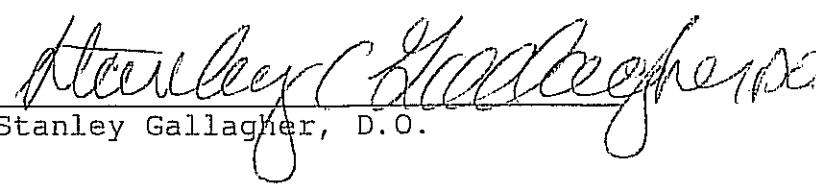
THE SOUTH DAKOTA STATE BOARD
OF MEDICAL AND OSTEOPATHIC
EXAMINERS

By



L. Paul Jensen
Executive Secretary

Dated this 21st day of NOV., 2004.



Stanley Gallagher, D.O.

THE SOUTH DAKOTA STATE BOARD OF MEDICAL AND

OSTEOPATHIC EXAMINERS

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IN THE MATTER OF THE MEDICAL LICENSE *
OF STANLEY C. GALLAGHER, D.O. *
License Number: 3948 *

ORDER

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WHEREAS, Stanley C. Gallagher, D.O. is the holder of
License Number 3948 issued by the South Dakota State Board of
Medical and Osteopathic Examiners; and

WHEREAS, the South Dakota State Board of Medical and
Osteopathic Examiners received information with respect to
disciplinary proceedings pending before the Minnesota Board of
Medical Practice against Dr. Gallagher; and

WHEREAS, the South Dakota State Board of Medical and
Osteopathic Examiners is empowered, pursuant to SDCL 1-26-20, to
informally settle contested cases relative to the licensure of
physicians by the Board; and

WHEREAS, as a result of the disciplinary proceedings, the
Minnesota Board of Medical Practice entered an Order
reprimanding Dr. Gallagher and conditioning and restricting Dr.
Gallagher's license to practice medicine and surgery in the
State of Minnesota; and

WHEREAS, due to the fact Dr. Gallagher is the holder of a
license to practice medicine in the State of South Dakota and is

engaged in the practice of medicine herein, the South Dakota State Board of Medical and Osteopathic Examiners deems it appropriate to impose conditions and restrictions on his license to practice medicine in the State of South Dakota; and

WHEREAS, the South Dakota State Board of Medical and Osteopathic Examiners and Dr. Gallagher have reached agreement as to the terms and conditions to be imposed on his license to practice medicine in the State of South Dakota, which Agreement is memorialized in an Agreed Disposition dated

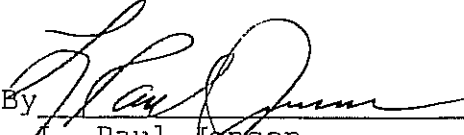
December 9, 2004 and executed by the parties hereto;

THEREFORE, upon consideration of the execution of the Agreed Disposition and based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the terms of the Agreed Disposition dated December 9, 2004 are hereby adopted by the Board and incorporated into and made a part of this ORDER as if such Agreed Disposition were fully and completely set forth herein.

Dated this 9 day of December, 2004.

SOUTH DAKOTA STATE BOARD OF
MEDICAL AND OSTEOPATHIC EXAMINERS

By 
L. Paul Jansen
Its Executive Secretary