

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: IGOR MAGIER, M.D.
License No.: 0101-018657**

CONSENT ORDER

On July 2, 2008, a Special Conference Committee ("Committee") of the Virginia Board of Medicine ("Board") met with Igor Magier, M.D., pursuant to a Notice of Informal Conference issued May 28, 2008, to inquire into allegations that Dr. Magier may have violated certain laws governing the practice of medicine and surgery in Virginia.

The Committee found that it could not resolve this matter within the limits of its authority as set forth in Section 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), and therefore, pursuant to Section 2.2-4020 of the Code, referred the matter to a formal administrative hearing.

In lieu of proceeding to a formal administrative hearing in this matter, the Board and Dr. Magier, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Magier to practice medicine and surgery in Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Dr. Magier was issued license number 0101-018657 by the Board to practice medicine and surgery in the Commonwealth of Virginia on June 23, 1967. Said license is currently active and will expire on April 30, 2010, unless renewed or otherwise restricted.

2. Dr. Magier violated Sections 54.1-2915.A(3),¹ (13), and (16) of the Code of Virginia (1950), as amended ("Code"), during his care and treatment of Patient A, a 32-year-old female, from on or about February 2, 2000, to on or about June 7, 2004, in that:

a. He prescribed controlled substances, including Xanax (C-IV), Seroquel (C-VI), Valium (C-IV), and Prozac (C-VI), to treat Patient A for depression and anxiety, continuously and at high levels, without proper assessment, diagnosis, monitoring, documentation, or treatment plan, which resulted in Patient A's addiction to prescription medications and hospitalization for detoxification and drug addiction treatment from June 12-23, 2004.

b. He prescribed Xanax for Patient A in excess of its maximum safe recommended dosage, and in combination with other medications also being prescribed at high levels, as set forth below. Further, Dr. Magier escalated the dosage levels of Xanax prescribed for Patient A without properly documenting a rationale for the increase and notwithstanding evidence of drug-seeking behavior and signs that Patient A was abusing and/or addicted to prescription medications. Specifically:

i. On or about July 31, 2003, Patient A informed Dr. Magier that four (4) days earlier, she had thrown away all of her medications

¹ Prior to July 1, 2003, Section 54.1-2915.A(3) was codified as Section 54.1-2915.A(4) as written to include gross ignorance or carelessness in the practice, or gross malpractice. After July 1, 2003, it was rewritten to include intentional negligent conduct in the practice that causes or is likely to cause injury to the patients.

except Prozac “cold turkey.”

ii. At an office visit on or about August 11, 2003, Patient A wanted her medications back, at which time Dr. Magier prescribed Seroquel, Xanax, and Valium.

iii. Patient A and her family members expressed concerns on several occasions regarding the medications prescribed for Patient A.

iv. At office visits on or about January 15, 2004, and February 3, 2004, Patient A stated that she was afraid and wanted to delay completion of a 24-hour drug screen.

3. Dr. Magier violated Sections 54.1-2915.A(3), (13), and (16) of the Code during his care and treatment of Patient B, a 59-year-old female, from on or about March 26, 2003, to on or about August 14, 2006, in that:

a. He prescribed controlled substances, including Xanax (C-IV) and Klonopin (C-IV), to treat Patient B for depression and post-traumatic stress disorder, continuously and at high levels, without proper assessment, diagnosis, monitoring, documentation, or treatment plan, and notwithstanding Patient B’s noncompliance and exhibition of drug-seeking behavior. By his own admission, and as documented in Dr. Magier’s notes, Patient B repeatedly demanded early refills, threatened Dr. Magier with legal action, reported lost or stolen medications, displayed anger and hostility, and refused to come for office sessions.

b. Although Dr. Magier notified Patient B on or about May 23, 2006, that he would no longer treat her, Dr. Magier continued to prescribe high levels of controlled substances for Patient B for several more months. Specifically, from on or about June 1, 2006, to on or about September 15, 2006, Dr. Magier prescribed 1,305 dosage units of Xanax 2mg for Patient B.

c. Dr. Magier prescribed Xanax for Patient B at levels that far exceeded the maximum safe recommended dosage of 10 mg/day. Specifically, the “two-day supply” of Xanax (2 mg #26) Dr. Magier prescribed for Patient B in June 2006 provided a dosage of 26 mg/day. From June 1, 2006, to June 8, 2006, Patient B filled five (5) prescriptions for such a two-day supply of Xanax, for an average dosage of 32 mg/day for the 8-day period.

4. Dr. Magier would testify that he believed he was acting in the best interests of the patients in providing care to them. Further, Dr. Magier has informed the Board that in or about June 2007, he closed his practice and retired from the practice of medicine. Dr. Magier’s prescription monitoring profile indicates that he wrote occasional prescriptions through the end of 2007 and none in 2008. Although Dr. Magier has no current plans to return to the active practice of medicine, he has expressed a desire to remain licensed and to pursue *locum tenens* work or to explore other practice opportunities in the future.

CONSENT

I, Igor Magier, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by R. Barrow Blackwell, Esquire;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to a formal hearing before the Board;
 - b. the right to appear in person or by counsel, or other qualified representative before the agency; and
 - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing;
5. I neither admit nor deny the truth of the above Findings of Fact; however, I waive my right to contest the foregoing Findings of Fact in any subsequent proceeding before the Board; and
6. I consent to the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of Igor Magier, M.D., be and hereby is, SUSPENDED until November 7, 2008. On November 7, 2008, Dr. Magier's license shall be reinstated and placed on INDEFINITE

PROBATION and subject to the following terms and conditions:

1. Dr. Magier shall be prohibited from prescribing Schedule II through IV controlled substances in the course of his practice.
2. Within nine months of entry of this Order, Dr. Magier shall complete a competency assessment. Said assessment shall provide an individual, specialty-specific evaluation of Dr. Magier's medical knowledge, decision-making process, and patient communication skills. Prior to registration, both the scope of the assessment and facility to perform this assessment shall be approved by the Executive Director of the Board. Within five (5) days of approval of the program and the scope of review by the Executive Director, Dr. Magier shall sign an authorization allowing for the free and unrestricted communication between the program and the Board. Dr. Magier shall ensure that the final assessment report from the program shall be submitted to the Board within thirty (30) days of completion.
3. Upon receipt of the assessment required under this Consent Order, Dr. Magier shall be noticed to appear before a Special Conference Committee of the Board for its consideration and disposition of the matter. Such notice of further proceedings may include allegations relating to additional matters not referenced in this Consent Order.
4. Dr. Magier shall notify the Executive Director of the Board by certified mail of any change of address of record with the Board within ten (10) days of such occurrence.
5. Dr. Magier shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws

of the Commonwealth.

Violation of this Consent Order shall constitute grounds for the suspension or revocation of the license of Dr. Magier. In the event Dr. Magier violates any of the terms and conditions of this Consent Order, an administrative hearing shall be convened to determine whether such action is warranted.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public.

FOR THE BOARD:



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

10/8/08
ENTERED

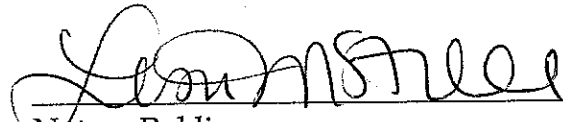
SEEN AND AGREED TO:



IGOR MAGIER, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Janes City, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 3rd day of October, 2008, by Igor Magier, M.D.



Notary Public

Registration Number: 294186
My commission expires: 10/31/2008

