

3. Respondent's address on file with Board is [REDACTED]
[REDACTED] Respondent is a physician holding Indiana license number 01065070A.

4. On or about August 13, 2004, Respondent was issued a Letter of Admonition by the Colorado Board of Medical Examiners ("Colorado Board"). The letter concluded that Respondent failed to respond to a complaint filed with the Colorado Board thus in violation of Colorado Revised Statutes § 12-36-117(1)(gg); "Failing to respond in an honest, materially responsive, and timely manner to a complaint issued pursuant to section 12-36-118 (4)."

5. On or about February 14, 2005, Respondent's privileges were terminated at Exempla Lutheran Medical Center ("Exempla") located at 8300 West 38th Avenue, Wheat Ridge, Colorado 80033.

6. On or about April 9, 2007, Respondent entered into a Consent Agreement with the Iowa Board of Medicine ("Iowa Board"). The consent agreement concluded that Respondent failed to disclose his Colorado discipline or revocation of his hospital privileges from Exempla on his initial application to practice medicine in Iowa.

7. Under the consent agreement with the Iowa Board, Respondent was granted an Iowa medical license, which was cited for failure to disclose his Colorado discipline or revocation of his hospital privileges from Exempla on his initial application for an Iowa medical license, and warned that such future conduct may result in further discipline including suspension or revocation of Respondent's Iowa medical license. Respondent was also assessed a civil penalty of \$1,000.

8. On or about September 19, 2007, the Medical Board of California, Department of Consumer Affairs ("California Board") issued a Citation Order against Respondent's California

medical license. The citation order concluded that Respondent's Consent Order with the Iowa Board resulted in a violation of California Business and Professions Code §2305 which provides the California Board's authority to discipline Respondent's California medical license solely based on discipline from another jurisdiction. Under the California citation order, Respondent was fined \$500.

9. On or about February 20, 2009, the Colorado Board issued a Letter of Admonition as a form of discipline against Respondent's Colorado medical license. The Colorado Board concluded that Respondent incorrectly answered "no" on his 2007 Colorado medical license renewal questionnaire when asked, "since you last renewed your Colorado medical license, have you been admonished, reprimanded, censured and/or disciplined in any way by any licensing agency in another state or county..." thus failing to disclose his Consent Order with the Iowa Board dated April 9, 2007. The failure to disclose the Iowa discipline resulted in a violation of Colorado Revised Statutes §12-36-117 which provides the Colorado Board's authority to discipline Respondent's Colorado medical license where Respondent engaged in fraud to obtain a license to practice medicine in Colorado. Furthermore, the letter concluded that Respondent failed to adequately update his address with the Iowa Board within thirty (30) days of change of address, thus in violation of the Iowa Board's Rule 270.

10. On or about July 24, 2009, the California Board issued a Public Letter of Reprimand as discipline against Respondent's California medical license. The letter concluded that Respondent's Letter of Admonition issued as discipline against his Colorado medical license by the Colorado Board dated February 20, 2009 was a violation of California Business and Professions Code § 141(a), 2234, and 2305, all of which provide the California Board's authority to discipline Respondent's California medical license based on other jurisdiction discipline.

11. On or about April 7, 2010, the Pennsylvania State Board of Medicine ("Pennsylvania Board") Hearing Examiner issued an Adjudication and Order ("Order") which declared certain finding of facts and conclusions of law. The order found that Respondent's medical licenses were disciplined in Iowa and Colorado, which constitutes a violation of the Pennsylvania Medical Practice Act § 41(4) and 63 P.S. § 422.41(4) which provides the Pennsylvania Board's authority to discipline based solely on other jurisdiction discipline. The order further found that Respondent failed to notify the Pennsylvania Board within sixty (60) days of the Iowa discipline resulting in a violation of the Pennsylvania Medical Practice Act § 903(2) and 40 P.S. § 1303.903(2) which provides the Pennsylvania Board's authority to discipline where a practitioner fails to report other jurisdiction discipline to the Pennsylvania Board within sixty (60) days of the imposition of the other jurisdiction discipline. A civil penalty of \$1,000 was assessed against Respondent.

12. On or about June 3, 2010, the Pennsylvania Board issued a Final Order accepting the Hearing Officer's Order and imposed a civil penalty of \$1,000 against Respondent.

STIPULATED CONCLUSIONS OF LAW

Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(7) in that Respondent has had disciplinary action taken against him or his license to practice in any state or jurisdiction on grounds similar to those under this chapter. Specifically, Respondent's discipline by the California Citation Order dated September 19, 2007, the Colorado Letter of Admonition dated February 20, 2009, the Iowa Consent Order dated April 7, 2009, the California Public Letter of Reprimand dated July 24, 2009, and the Pennsylvania Final Order dated June 3, 2010.

Whereas, this matter is set for hearing before the Board; and

Whereas, the Respondent and Petitioner wish to resolve this matter prior to a hearing and have reached a resolution.

It is now therefore agreed by Respondent and the Petitioner as follows:

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and Ultimate Conclusions of Law, the Board hereby issues its final ORDER:

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action commenced on or about January 5, 2011.
2. The parties execute this Agreement voluntarily.
3. Respondent and Petitioner voluntarily waive their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial appeal or review.
4. Petitioner agrees that the terms of this Agreement will resolve any and all outstanding claims or allegations or potential claims or allegations relating to disciplinary action against Respondent's license arising from the Complaint filed on January 5, 2011.
5. Respondent has carefully read and examined this Agreement and fully understands its terms and that this Agreement is a final disposition of all matters and not subject to further review.
6. Respondent agrees that he will receive the attached **LETTER OF REPRIMAND**, which will be included as a permanent part of his file located at the Indiana Professional Licensing Agency. (See Letter of Reprimand attached hereto).
7. Respondent agrees that he shall, pursuant to Ind. Code § 4-6-14-10 (b), pay a **FEE of FIVE DOLLARS (\$5.00)** to be deposited into the Health Records and Personal

Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to:

Office of the Attorney General
Attn: Katie Thorpe
302 West Washington Street, 5th floor
Indianapolis, IN 46204

8. Respondent shall pay a **CIVIL PENALTY** of **ONE THOUSAND DOLLARS (\$1,000.00)** within ninety (90) days following the issuance of the final order in this matter. The civil penalty must be paid by cash, cashier's check, or money order to the following:

Indiana Professional Licensing Agency
Attn: Medical Board
402 W. Washington Street, Room W072
Indianapolis, IN 46204

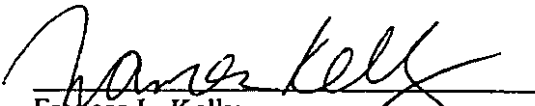
9. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of medicine, or any violation of the Settlement Agreement may result in the State requesting an emergency suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

10. The parties agree to the continuing jurisdiction of the Board.

11. Respondent agrees to pay for a copy of the transcript of the presentation of this Agreement to the Board and the court reporter fees associated with this matter.

So ORDERED this 29 day of June, 2011.

MEDICAL LICENSING BOARD OF INDIANA

By: 
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

Thomas M. Horiagon, M.D.


CERTIFIED MAIL NO. 91 7190 0005 2720 0009 2172
RETURN RECEIPT REQUESTED

John Ittenbach
6350 North Shadeland, Suite 4
Indianapolis, Indiana 46220

Amber C. Swartzell
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204

June 28, 2011

Thomas M. Horiagon, M.D.
Pulmonary & Critical Care Medicine
[REDACTED]
[REDACTED]

**Re: In the matter of the license of Thomas M. Horiagon, M.D.
Before the Medical Licensing Board of Indiana**

Dear Dr. Horiagon:

This letter of reprimand issued in accordance with the Findings of Fact and Order issued by the Medical Licensing Board of Indiana resolving the administrative complaint against your medical license filed by the Office of the Attorney General, Division of Consumer Protection on or about January 5, 2011.

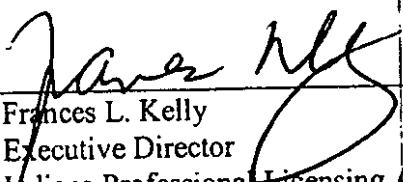
The purpose of this reprimand is to stress the important responsibility that you have by reason of possession of a license to practice medicine in the State of Indiana.

The Settlement Agreement, Findings of Fact, and Final Order are attached and incorporated herein as part of this reprimand.

It is your responsibility to conduct your practice of medicine in accordance with the standards of the profession.

Sincerely,

MEDICAL LICENSING BOARD OF INDIANA

By: 
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency