

FILED OF RECORD

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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2119

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY PATRICIA L. FIGERT, M.D., LICENSE NO. 31692, 309 ELEVENTH STREET, CARROLLTON, KENTUCKY 41008

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel A, and Patricia L. Figert, M.D. (hereafter “the licensee”), and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Patricia L. Figert, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Surgery.
3. The Board received notice that the licensee voluntarily agreed not to exercise her medical staff privileges while under, or to avoid, investigation relating to professional competence or conduct via a report from the National Practitioner Data Bank. The Board opened an investigation.
4. On or about February 10, 2023, the licensee responded in writing, explaining that the investigation by the hospital arose after a vascular/bowel trocar injury during laparoscopic surgery for colon cancer. She agreed not to treat patients during the review. She participated in an assessment conducted by the Center for Personalized Education for

Professionals (“CPEP”), which she summarized as concluding that she was safe to continue practicing and recommended some structured education and a preceptor for a brief period of time, all of which she agreed to do. The licensee states the review stretched for nearly four months of unpaid leave so she voluntarily resigned from the medical staff to seek employment elsewhere.

5. A Board consultant specializing in surgery reviewed the licensee’s care of the patient that prompted the Hospital’s review of the care provided by the licensee. He opined that it was an unfortunate result from a complication and saw no negligence on part of the licensee and no deviation from the standard of care.
6. On or around July 2022, the licensee obtained an assessment to evaluate her practice of general surgery through CPEP. CPEP issued an Assessment Report on September 20, 2022. The results of the assessment identified concerns, stating in sum:

Based on Dr. Figert’s performance during this Assessment and the extent of educational needs identified, CPEP opines that Dr. Figert’s performance is consistent with (b), safe to practice with recommendations including a recommendation for structured remedial education.

7. CPEP provided the following educational recommendations:
 - Point of Care Experience (PoC): Dr. Figert should participate in a clinical experience to provide the necessary support required as she returns to surgical practice. CPEP recommends over-the-shoulder proctoring by a preceptor of several cases of the following two procedures: laparoscopic cholecystectomy and laparoscopic right hemicolectomy. The purpose would be for the preceptor to assess Dr. Figert's surgical techniques and skills related to the avoidance of iatrogenesis with her surgical approaches.
 - Educational Preceptor: Dr. Figert should establish a relationship with an experienced educational preceptor in general surgery. This involves regularly scheduled meetings to review cases and documentation, discuss decisions related to those cases, review specific topics, and make plans for future learning. The preceptor serves as an educator and is not intended to function as a practice monitor. This would include but is not limited to, the following:

- Participation in discussions of postoperative complications through use of hypothetical scenarios or case review to focus on recognition of acuity of illness, patient evaluation, and management of common postoperative complications for the procedures Dr. Figert performs.
 - Continuing Medical Education (CME) and Self-Study: Dr. Figert should engage in CME courses and self-study which include, but are not limited to, the topics indicated in areas of demonstrated need. This includes, but is not limited to, the following:
 - General surgery review course.
8. The licensee agreed to enter into this Agreed Order, in lieu of the issuance of a Complaint.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(21). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. The license to practice medicine held by Patricia L. Figert, M.D., is hereby PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS, with that period of probation beginning immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. Within three (3) months of the filing of this Agreed Order, the licensee SHALL take all necessary steps to arrange for CPEP to develop an Educational Intervention Plan (the "plan") pursuant to CPEP's Education Recommendations and SHALL enter into the plan, at the licensee's expense;
 - i. The licensee SHALL comply with all directives and instructions of CPEP during the duration of the plan, at her expense. The licensee understands and agrees that any failure to comply with the directives and instructions of CPEP during the duration of the plan SHALL constitute a violation of this Agreed Order and shall be grounds for immediate suspension of her license to practice medicine in the Commonwealth of Kentucky;
 - ii. The licensee SHALL be responsible for ensuring that her preceptor(s) comply with all directives and instructions of CPEP during the duration of the plan;
 - iii. If deemed necessary and appropriate by CPEP, the licensee SHALL successfully complete a post-remediation assessment, at her expense and as directed by CPEP; and
 - iv. The licensee SHALL take all necessary steps, including the execution of waivers and/or releases, to ensure that CPEP provides timely written reports to the Board outlining her progression and compliance with the plan;
 - b. Within one (1) year from the date of entry of this Agreed Order, the licensee SHALL reimburse the amount of \$525.00 to the Board pursuant to KRS 311.565(1)(v); and
 - c. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. In the event that the licensee should not successfully complete the plan within five (5) years of the date of entry of this Agreed Order or in event that the plan should be come suspended for any reason, the licensee SHALL immediately cease the "practice of

medicine,” as that term is defined in KRS 311.550(10), until further order of the Board. Her failure to do so, shall constitute a violation of this Agreed Order and shall be grounds for immediate suspension of her license to practice medicine in the Commonwealth of Kentucky.

4. The licensee expressly understands and agrees that the Panel will not consider a request to amend or terminate this Agreed Order unless and until the licensee has fully complied with and completed the plan.
5. The licensee expressly agrees that if she should violate any term or condition of this Agreed Order, the licensee’s practice shall constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board’s General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee’s practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.


6. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 5 day of September, 2023.

FOR THE LICENSEE:



PATRICIA L. FIGERT, M.D.




CHAD PROPST
COUNSEL FOR THE LICENSEE

FOR THE BOARD:



WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A



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