



THE *Examiner*

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Bill Owens, Governor

President's Message

By Ned Calonge, MD – President, Colorado Board of Medical Examiners

In this issue of *The Examiner*, we are highlighting the Board's recently adopted rule that clarifies the statutory authority of physicians holding an active Colorado license to delegate medical functions to individuals not otherwise licensed to provide such care. This rule change addresses issues of training and supervision for delegated functions, and should assist physicians in planning for the use of delegated functions in their practices.

Key features of the new rule include: 1) the responsibility for the delivery and outcome of any delegated function lies solely with the delegating physician; 2) adequacy and appropriateness of training for the function will be judged by the community standard and should be documented; 3) adequacy and appropriateness of supervision will be judged by the community standard of care for a physician directly delivering the same medical service, and 4) delegated services cannot be re-delegated by anyone other than the responsible physician. Physicians should remember that the prescribing of medication, other than refills, cannot be delegated under current Colorado statute.

Colorado law is permissive regarding the delegation of medical services. In reviewing complaints, the Board concluded that in some instances, delegation was performed without adequate supervision or documentation of training, and in several cases delegation seemed to be administrative only, without clear involvement of the delegating physician. The Board will use this rule, within its authority under the law, to determine when delegation is being performed without adequate training and/or supervision, in such a manner that poses a threat to the health or safety of patients. This rule change should not be seen as an impediment to delegating services, but one that insures that the delivery of such services are held to the same community standard of medical care as if delivered in person by the physician. Also, this rule does not impact the ability of other licensed health care providers to provide care under a protocol, as long as the care is either within the provider's scope of practice (also defined by state law) or is congruent with this new rule clarifying delegation.

We understand that, as is usual with new rules, questions will arise in implementation. We urge you to read the rule and call program staff as issues arise. As with all of the Board's statutes, rules and regulations, and policies, the new rule can be found on our web site, <http://www.dora.state.co.us/medical>. ■

Changes Are In The Works

About a year ago, the Division of Registrations, which provides administrative and program support to your Colorado Board of Medical Examiners, began a major business transformation and automation replacement effort. This effort has been named "Project T: Transformation."

The Division began in January 2001 with a Business Process Reengineering (BPR) project. This project evaluated all of our business processes (such as how we

handle your payments or issue your professional licenses) in order to make these more efficient and to provide you with enhanced customer service. The result of this evaluation will change the way the Division does business. For example, some functions such as licensing, cash management and central intake that are presently duplicated by staff of the different Boards within our Division will be grouped together. The idea is to reduce the duplication of effort and allow us to specialize in and continuously improve services.

You Should Know...

The Board has adopted a new rule regarding delegation of medical services which may affect your practice. See article on page 3, regarding *Rule 800*.

The Board does not endorse BOTOX parties. See article on page 6.

The Board has a new Enforcement Program Specialist, Cindy Klyn. See article on page 6.

Physician owned health spas are on the rise in Colorado. See article on page 15.

It's time to renew your license. Is your address current with the Board? See articles on page 15.

All physicians working in a training program are required to hold a license to practice in Colorado. See article on page 16.

Also, for several years, the Division has had to "make do" with an increasingly outdated computerized licensing system that simply cannot offer the level of customer service demanded today (such as the ability to accept online credit card payments and to provide other online functions including license application, renewal and verification transactions, and online address changes). Therefore, the Division's management staff decided to move for-

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System Errors/Case Studies

Frequently complaints against physicians reveal systems errors or communication breakdowns rather than physician incompetence or negligence. The Board of Medical Examiners is sharing some of these stories with you. We suggest you review these stories and use this information to eliminate the potential for these problems in your practice.

CASE 1

Issue: Inappropriate Equipment

Background: Minor child presented to the emergency room for a fracture of the right leg. The leg was casted in fiberglass and bivalved. During the bivalve, the cast saw overheated and the patient sustained burns on the front and back of the right leg.

Problem: After the patient experienced burns, the physician learned that the cast saw provided for use in the operating room was equipped with a blade for plaster casts only. The physician assumed that the cast saw had a universal blade, which is the standard and what is customarily used. Additionally, there was no indication on the blade that it was a "plaster only" blade. The blade was the same color and appearance as universal blades, which are most commonly used. The physician did not question OR personnel prior to using the cast saw.

Board Comment: The Board encourages all physicians to do what the physician involved in this case now does, which is to assure that the facility utilizes universal blades. Additionally, the physician should reconfirm with support staff that the correct blade is attached to the cast saw and

continuously check the blade during the procedure for inappropriate heating.

CASE 2

Issue: Obtaining all Pertinent Information When Accepting a Patient Transfer

Background: The patient was a 44 year-old man involved in a single rollover motor vehicle accident who presented to the emergency department, where he was evaluated and a head CT was obtained. He was noted by the emergency department physician to have sustained questionable loss of consciousness, forehead lacerations and abrasions, closed head injury with drowsiness and headache. The radiology report of the head CT was interpreted to show a subarachnoid hemorrhage and a nasal fracture. In the radiology report, the radiologist noted that he believed the hemorrhage was more suggestive of an aneurysm than trauma.

Problem: The patient was transferred to a larger hospital for more specialized care. The physician assuming care was contacted by telephone and advised of the patient transfer, the patient's rollover motor vehicle accident and the diagnosis of traumatic subarachnoid hemorrhage. No information was provided verbally regarding the radiologist report suggesting aneurysm. Copies of the emergency department report, which did not include the radiology report or mention the radiologist's concern about aneurysm, and copies of the CT were provided to the physician. A thorough evaluation of the patient was conducted. He denied any antecedent symptoms leading up to the accident such as dizziness, headache or syncope. The

patient reported no significant family history or risk factors for spontaneous subarachnoid hemorrhage. The physician reviewed the CT scan copy, which showed a frontal subarachnoid hemorrhage and small parafalcine subdural hematoma. The patient was admitted for observation and then discharged the next day with a diagnosis of traumatic subarachnoid hemorrhage and postconcussive syndrome. Because the patient was from another part of the state, he was given copies of his medical records and instructed to follow up with a local physician within two to four weeks or with worsening symptoms.

Outcome: The patient apparently suffered worsening symptoms within several days and, 21 days after the motor vehicle accident, he collapsed with massive intraparenchymal and intraventricular hemorrhage. Subsequent work up revealed a ruptured anterior communicating artery aneurysm. The patient suffered severe brain damage with persistent postoperative vegetative state requiring nursing home care until his death two weeks later.

Board Comment: The Board encourages all physicians to employ the same practices now used by the physician in this case. Specifically: 1) When accepting a patient in transfer from an outside hospital, be sure to obtain written copies of all reports for all studies performed at the outside hospital. Do not rely on verbal reports or on copies of scans. 2) Do not rely on the patient or hospital staff to confirm that follow up appointments and referrals are obtained. All follow up appointments should be confirmed by the physician's office staff. A tickler file should be set up for all patients upon discharge to assure patient compliance and written feedback from consulting or following physicians. 3) The physician's office nurse contacts patients within one week following discharge for a "wellness check", and to make certain the patient understands and complies with discharge instructions.

Changes Are In The Works

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ward with the replacement of our current system.

As we work through the implementation of this project, we will be coordinating changes involving our staff, workspace, computer system, and new business processes. The majority of the changes will continue over the next several months and will largely be completed by the fall of 2003. In the meantime, we will begin pilot testing four boards on our new licensing system in December with an eye toward ironing out any wrinkles before the final conversion occurs for all Boards in July 2003.

We hope that for you, our customer,

these changes are "transparent." Our intent is that customers of the Division will only see improvements in timeliness, automation (Internet/computer based functions), access to information and ease of interaction. At the same time, the Division and the Boards are very concerned about retaining those things that are working well now, such as good customer service and individual attention to needs.

But, try as we might, our customers will probably notice some changes during this transition period. We, therefore, ask for your patience and constructive feedback to help us make the transition smoother in this transformation effort! ■

CASE 3

Issue: Communication Failures

Background: A 60-year-old man had an aortic valve replaced in 1999, and was maintained on coagulants since then. He underwent an extracorporeal shock wave lithotripsy (ESWL).

Problem: The day after the ESWL was performed, the patient presented to the emergency room with supposed ureteral colic and was admitted for observation. An intravenous pyelogram was performed and revealed delayed function with only a

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nephrogram phase on the left side. In the ER, the patient was found to have microscopic hematuria, a hematocrit of 37.8 and hemoglobin of 12.9. Following admission, the patient was given his Lovenox dose and restarted on Coumadin and aspirin; he was also given Toredol for pain relief. These drugs interact and exaggerate the anticoagulant effects. Following admission to the hospital, the evaluating physician went off duty and turned the patient's care over to his partner; however, he neglected to inform his partner that the patient had been admitted to the practice's service. At the time of admission, a call was also made to the patient's primary care physician to notify the physician of the admission. The patient was next examined by the primary care physician on call. The patient's vital signs were stable and the physician wrote an order to check his creatine periodically. The patient was next seen by a third year medical resident who noted that the patient's hematocrit had dropped from 38 to 26 and his INR had increased from 1.3 to 1.5. The resident felt that the drop in hematocrit was consistent with rehydration and ordered a repeat hematocrit for the morning. The patient's primary care physician who was supervising the resident did not review these lab results. At noon that day, another physician within the primary care practice assumed coverage for the patient. There was no communication between the house staff and the on call physician. Moreover, because the specialist who had admitted the patient to the hospital failed to advise the covering partner of the patient's admission, he only examined the patient briefly because he happened to note his partner's name on the patient's chart. He did not pick up on the patient's abnormal blood count and did not review the x-rays which had been taken.

Outcome: The patient's condition began to deteriorate later that day (which was the day following his presentation to the emergency room) and he was found unresponsive several hours later, was unable to

be resuscitated and expired. The autopsy revealed that death was due to exsanguination secondary to massive retroperitoneal hemorrhage.

Board Comment: This case points out in excruciating detail the importance of assuring that hand offs are properly communicated when the covering physician changes. This case also points out the need to follow up appropriately or to question house staff regarding the results of tests. Finally, the Board urges physicians to request specific vital signs from staff rather than asking if the patient is stable or for generalized information.

CASE 4

Issue: Medication Error

Background: Established patient calls the physician's office requesting samples of Loestrin and Provental. Office staff advised the patient that no samples of Loestrin were available and the physician wanted the patient to try a new medication.

Problem: The medical assistant who took the message from the patient transcribed Lotensin instead of Loestrin. The physician had some recollection of hypertensive issues with this patient, but did not review the patient's chart. Because the medication and dosage looked reasonable, the physician approved the prescription. The patient was advised to pick up the samples at the physician's office which she did and began taking the medication. The patient advised a friend, who was a medical assistant, of the new "birth control pill" she had been prescribed and the friend advised her that she was taking hypertension medication, not birth control pills.

Outcome: Fortunately, the patient did not suffer any undue adverse effects because she shared this information with her friend who was knowledgeable regarding the medications. However, had that series of fortunate events not

occurred, the outcome could have been significantly different.

Board Comment: The Board strongly urges physicians to review the medical records before authorizing a new medication for a patient.

CASE 5

Issue: Lack of Communication Prior to Discharging a Patient from the Hospital

Background: The patient underwent surgery and was discharged from the hospital the following day with a pO₂ level of 80% on room air.

Problem: The operating surgeon misinterpreted the note in the patient record indicating a "92% O₂ saturation" as being on room air rather than on 2 liters of oxygen. Moreover, neither respiratory therapy staff nor nursing staff brought this issue to the physician's attention prior to discharge.

Outcome: Subsequent to the discharge, the patient developed shortness of breath and was seen and treated by her primary care physician.

Board Comment: All Colorado physicians who are on staff at hospitals may wish to consider the development of some type of written criteria for patient discharge, including such parameters as temperature, pO₂ levels, white blood counts, hemoglobin/hematocrit, etc. If patients "fall out" of the established parameters such that they can still be discharged, then protocols should be put into place to document a reasonable explanation in the record as to why they were outside of the standard criteria but still eligible for discharge. This type of process would provide a level of assurance that a patient was an appropriate candidate for discharge and document that a review of the patient's vital signs and overall status was conducted and a conscious decision made as to whether or not discharge was appropriate. ■

The Board Has Adopted New Rules

Presented here is an abbreviated version. To view the rules in their entirety, visit our website at www.dora.state.co.us/medical or call the Board office at (303) 894-7690.

RULE 800

Delegation and supervision of medical services to unlicensed health care providers pursuant to § 12-36-106(3)(I), C.R.S.

1. These rules apply to the delegation of services constituting the practice of medicine to a person who is not otherwise

exempt pursuant to § 12-36-106, C.R.S. from holding a license to practice medicine. Therefore, these rules would not apply to any person who is otherwise exempt pursuant to § 12-36-106, C.R.S. from holding a license to practice medicine and who is practicing within the scope of practice specified by the person's specific exemption under § 12-36-106. These rules also would not apply to a person performing services that do not constitute the practice of medicine as defined by the Medical Practice Act.

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The Board Has Adopted New Rules

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For example, a dentist practicing dentistry as defined by article 35 of title 12, C.R.S. would not be construed to be performing delegated medical services as set forth in § 12-36-106(3)(l) and would not be bound by these rules. Also by way of example, a registered or other nurse rendering nursing services or delegated medical functions pursuant to the Nurse Practice Act would not be bound by these rules.

2. These rules do not apply to the delegation of nursing tasks by a nurse in compliance with § 12-38-132 and the Board of Nursing Rules related to such delegation.

3. Section 12-36-106(3)(l), C.R.S. does not allow delegation of medical services to the following individuals:

a. Any person who is otherwise qualified to be licensed by the Board to practice medicine but who is not so licensed, including but not limited to any physician with an inactive, lapsed, revoked, restricted, suspended or surrendered license and any physician who meets all qualifications for licensure but who is not licensed in Colorado.

b. Any person who is otherwise qualified to be licensed by the Board as a physician assistant but who is not so licensed, including but not limited to any physician assistant with an inactive, lapsed, revoked, restricted, suspended or surrendered license and any physician assistant who meets all qualifications for licensure but who is not licensed in Colorado.

c. Any person who holds a physician training license pursuant to § 12-36-122, C.R.S.

4. Section 12-36-122(7)(c), C.R.S. provides in part that physician training licensees do not have the authority to delegate medical services to a person who is not licensed to practice medicine pursuant to § 12-36-106(3)(l), C.R.S.

5. Section 12-36-106(3)(l), C.R.S. does not allow the delegation of medical services to an emergency medical technician ("EMT") in a prehospital care environment acting beyond the EMT acts allowed. Instead, pursuant to Board Rule 500, a physician advisor of an EMT in a prehospital care environment must apply to the Board for a waiver to allow additional medical acts for the EMT under the physician advisor's supervision in specific circumstances. In an office or hospital setting it is not necessary to apply for a waiver pursuant to Board rule 500 so long as the

use of an EMT as a delegatee is in compliance with these rules.

Interpretation of § 12-36-106(3)(l), C.R.S.

Section 12-36-106(3)(l), C.R.S. provides that the Medical Practice Act does not require a license to practice medicine for the rendering of services, other than the prescribing of drugs, by persons qualified by experience, education, or training, under the personal and responsible direction and supervision of a person licensed under the laws of this state to practice medicine, but nothing in this exemption shall be deemed to extend or limit the scope of any license, and this exemption shall not apply to persons otherwise qualified to practice medicine but not licensed to so practice in this state.

The Board interprets the provisions of this statutory subsection as follows:

Services:

As provided by the Medical Practice Act, "services" generally include suggesting, recommending, prescribing, or administering any form of treatment, operation, or healing for the intended palliation, relief, or cure of any physical or mental disease, ailment, injury, condition or defect of any person. The definition of medical services under the Medical Practice Act does not encompass the gathering of data. Medical services also do not include acting as an intermediary by communicating a physician's message or order to another person.

Delegated services under § 12-36-106(3)(l), C.R.S. cannot include the prescribing of drugs. The prescribing of drugs does not include the ordering a prescription refill by a delegatee pursuant to a written protocol-driven refill procedure developed by one or more supervising physician(s).

Delegated services must be consistent with the delegating physician's education, training, experience and active practice. Delegated services must be the type that a reasonable and prudent physician would find within the scope of sound medical judgment to delegate; therefore, delegated services should be routine, technical services not requiring the special skills of a licensed physician. A physician may only delegate services that the physician is qualified and insured to perform and services that the physician has not been legally restricted from performing. Any services rendered by the delegatee will be held to the same standard that is applied to the delegating physician. Delegated services cannot be subsequently delegated to another party.

Qualified by education, training or experience:

It is the responsibility of the physician to ensure that the delegatee has the necessary education, training or experience to perform the delegated services. Upon request, the delegatee's qualifications shall be documented in writing and provided to the Board. Such documentation may include, but not be limited to, copies of diplomas, certificates or professional degrees from bona fide training program(s) appropriate to the specific services delegated and/or documentation of direct observation of the repeated and successful performance of the delegated services and/or appropriate credentialing by a bona fide agency or institution.

Any person holding a license, certification or registration in a limited field of the healing arts may not perform medical services beyond the scope of that license, certification, or registration unless the person has additional education, training or experience qualifying the person to perform the medical service in question and the delegation of the medical service is in compliance with these rules.

Personal and responsible direction and supervision:

One or more physicians shall have explicitly agreed, although not necessarily in writing, to provide the necessary direction and supervision of the delegatee(s). The delegating physician is accountable for the acts of the delegatee.

The direction and supervision shall be sufficient to limit the need for the exercise of the judgment required of a physician and to provide ongoing inspection, evaluation, advice and control. The physician must make decisions as to the necessity, type, effectiveness and method of treatment and must devote sufficient time to on-the-spot inspection to determine that the physician's directions are regularly being followed.

Delegated services should be provided in the context of an appropriate physician/patient relationship. Ongoing care of a particular patient without direct physician involvement is inappropriate.

It is the responsibility of the delegating physician to provide personal and responsible direction and supervision that is consistent with generally accepted standards of medical practice.

Generally, personal and responsible direction and supervision requires that a

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delegating physician should be on the premises and readily available.

Where a delegatee is operating pursuant to specific and detailed written protocols and where adequate written emergency protocols are in place, the presence of the delegating physician on the premises may not be necessary. However, a delegating physician must be available to attend the patient in person within thirty (30) minutes.

A delegating physician shall assure that there is a timely chart note for all patient contacts.

Identification of authority to act:

The delegating physician should provide information to patients regarding delegates in the physician's practice.

Unlicensed practice of medicine:

Pursuant to § 12-36-106(2), C.R.S., any person who performs any of the acts constituting the practice of medicine as defined by § 12-36-106(1), C.R.S. and who is not licensed by the Board to practice medicine or exempt from licensure requirements by some provision of § 12-36-106 shall be deemed to be practicing medicine without a license. Such person may be held criminally liable pursuant to § 12-36-129(1), C.R.S. and/or may be the subject of injunctive proceedings by the Board in the name of the people of the state of Colorado pursuant to § 12-36-132, C.R.S.

Unprofessional conduct:

It shall be unprofessional conduct pursuant to § 12-36-117(1)(u), C.R.S. for any licensee to delegate medical services or to have performed delegated medical services pursuant to § 12-36-106(3)(l), C.R.S. without complying with the provisions of these Rules.

It shall also be unprofessional conduct pursuant to § 12-36-117(1)(u), C.R.S. for any person who is not licensed by this Board but who applies for licensure by this Board to have performed delegated medical services or to have delegated medical services pursuant to § 12-36-106(3)(l), C.R.S. without complying with the provisions of these Rules.

Rule 120 has been revised and Rule 410 adopted, both changing the way a licensee will provide proof of continued competency when wishing to reinstate or reactivate a license to an active status.

RULE 120

REQUIREMENTS: To demonstrate continued competency for purposes of complying with section 12-36-116(1)(d), 12-36-123(2)(b) or 12-36-137(5), C.R.S., an applicant must (a) submit to the Board a personalized competency evaluation report prepared by a program approved by the Board and (b) complete any training or education recommended by the program as a result of the evaluation prior to obtaining a license. In the discretion of the Board, the physician may be able to receive a limited license prior to completing the training or education recommended by the program for the purpose of facilitating the completion of such training or education. All expenses resulting from the evaluation and/or any recommended education or training are the responsibility of the applicant and not of the Board.

RULE 410

REQUIREMENTS: To demonstrate continued competency for purposes of complying with sections 12-36-116(1)(d), 12-36-

123(2)(b), or 12-36-137(5), C.R.S., a physician assistant must either:

1. submit proof satisfactory to the Board of continuous active medical practice in another jurisdiction for the two years prior to application in Colorado; or

2. submit to the Board the following:
(a) proof satisfactory to the Board that the physician assistant has been out of practice for less than four years and has engaged in continuous active medical practice for a substantial portion of two of the preceding four years; (b) proof of current certification by the National Commission on Certification of Physician Assistants, Inc., ("NCCPA") (c) proof of 100 hours of continuing medical education within the past two years, including 25 hours of category I continuing medical education in the past twelve months; and (d) a written plan documenting the nature, extent, and duration of supervision that will be provided by the supervising physician to the physician assistant as the physician assistant makes the transition back into clinical practice; or

3. for those physician assistants who have been out of practice for four or more years, (a) submit to the Board a personalized competency evaluation report prepared by a program approved by the Board, and (b) complete any training or education recommended by the program as a result of the evaluation prior to obtaining a license. In the discretion of the Board, the physician assistant may be able to receive a limited license prior to completing the training or education recommended by the program for the purpose of facilitating the completion of such training or education. All expenses resulting from the evaluation and/or any recommended education or training are the responsibility of the physician assistant and not of the Board. ■



New Board Policies

The Medical Board has adopted several new policies, presented here in an abbreviated version. Please note that ALL Board policies may be accessed on-line at www.dora.state.co.us/medical.

Policy Number: 20-17

Title: Issuing letters of concern for DUI, DWAI Referral of Applicants to the Colorado Physician Health Program for

Evaluation Related to DUI, and DWAI Charges

POLICY: It is the policy of the Board of Medical Examiners that any physician applicant reporting that he or she has been charged within the last 5 years with driving under the influence (DUI), or driving while ability is impaired (DWAI), either drug or alcohol related, will be required to undergo evaluation by , as a minimum, receive a letter of concern from the Board.

In such cases it shall also be the policy of the Board to refer the physician to the Colorado Physician Health Program (CPHP). for evaluation. The CPHP evaluation of the physician applicant will be instrumental in determining whether a letter of concern is sufficient or more serious action should be considered by the Board.the applicant meets the statutory qualifications for licensure.

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NEW BOARD POLICIES

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Policy Number: 40-13

Title: Physicians and Physician Assistants' Use of Alcohol and Other Mind-Altering Substances While On-Call

POLICY: The Board of Medical Examiners advises against using any mind-altering medication not prescribed by the licensee's treating doctors, and advises against the use of alcohol by licensees when on call. Although the use of these substances while on-call is not specifically defined in section 12-36-117, C.R.S., as a violation of the Medical Practice Act, the Board is obligated to carefully review any allegation of alcohol/substance use by on-call physicians and physician assis-

tants which affects the quality of patient care. The Medical Board, at its discretion, may determine if a licensee's use of a mind-altering substance or alcohol was unprofessional. In such an instance, the Board may conclude that a violation of the practice act occurred, and it retains the right to initiate disciplinary action against the licensee's ability to practice medicine or to practice as a physician assistant.

The Medical Board has revised several policies that may be of interest. Please note that ALL Board policies may be accessed online at www.dora.state.co.us/medical.

Policy Number: 20-13

Title: Ability of Unlicensed Physician

Assistants to Provide Delegated Medical Services Pursuant to 12-36-106(3)(I), CRS.

Issued: August 10, 2000; Revised August 9, 2001; Revised November 14, 2002.

PURPOSE: To provide guidance to applicants and staff regarding the Board's position with respect to unlicensed physician assistants providing delegated medical services pursuant to 12-36-106(3)(I).

POLICY: Graduates of physician assistant programs who have not yet taken the certification examination and, thus, are not qualified for licensure, may perform delegated medical services pursuant to section 12-36-106(3)(I), CRS, until such time as they have been notified that they have passed the certification exam and are eligible for a Colorado license. ■

BOTOX Parties

At its August 15, 2002 meeting, the Board reviewed COPIC's position statement with respect to BOTOX Parties, and voted to endorse their position. The following position is reprinted in its entirety from the July 2002 COPISCOPE.

In a growing nationwide trend, a few physicians are now offering BOTOX parties—get-togethers held at a private home with guests arriving for hors d'oeuvres, champagne, and a trip to a private room for a BOTOX injection. The injections are a cosmetic treatment used to soften facial lines and wrinkles. A physician driven by financial reward can perform as many as 10 procedures in 60 minutes, generating fees in excess of \$2,500 or more. However, this "marketing scheme" carries the following risks:

- Although an informed consent form might be signed, it is unlikely that each patient has been given adequate time for a private discussion of the risks and

benefits. The consent form should always be a document reflecting what took place during an informed consent process in which the patient (free of peer pressure from other party-goers and free from the intoxicating effects of the gratuitous champagne) had the time to make a considered decision.

- Confidentiality concerns can be problematic in such a setting. While the partygoers might appear to waive their personal privilege through discussion with others, this information waiver could be challenged subsequently.
- Providing the service in the living room or foyer solely for the purpose of bringing together enough patients to make the house call financially "worthwhile" might be viewed as excessively lucrative and unprofessional should complications arise.
- The record keeping requirements for any medical procedure are not lessened

simply because of the venue and the informal "party" appearance.

- Be aware that subsequent claims might go beyond simple negligence. The lack of proper informed consent, including the competence of an inebriated peer-pressured individual to make a considered decision, the right to confidentiality, the financial conflict of interest, and the public's perception of whether the activity tests the definition of professional conduct can all factor into subsequent claims. Furthermore, the recent Dupont decision of allocating a separate damage category to "disfigurement and physical impairment" might make these claims more costly than they would initially appear.

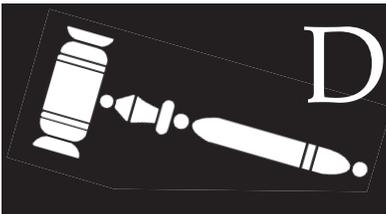
At present, it is our opinion that the marketing of BOTOX in this manner is fraught with many more risks than advantages and therefore should be avoided by prudent physicians. ■

New Enforcement Program Specialist

The Colorado Board of Medical Examiners and Podiatry Board are pleased to announce and introduce Cindy Klyn as a new staff member to the Enforcement Unit. Cindy takes over for Shannel Lorraine who retired in April 2002. Cindy brings to the Board staff several years of experience as a paralegal with the Colorado Attorney General's Office, as well as a background

in investigations with the Division of Civil Rights. As the new Enforcement Program Specialist, Cindy will be assisting the Enforcement Unit of the Board in case management, consultant case reviews, compliance monitoring of physicians on probation and will be involved with the transition and piloting of a new licensing and enforcement database. Cindy's varied

paralegal and investigative experience will greatly assist the Board in accomplishing its legislative mandate to protect the health, safety and welfare of Colorado citizens against the unauthorized, unqualified and improper practice of medicine through the regulating and disciplining of Colorado licensed physicians, physician assistants and podiatrists. ■



Disciplinary Actions Taken By The Board

The cases described below represent Board actions concluded by the Colorado State Board of Medical Examiners from **January 1, 2002 to December 31, 2002**. Board actions listed below may not be the only action. Contact the Medical Board office for actions entered outside of these dates. Documentation of Board actions may be obtained by visiting this website <http://www.dora.state.co.us/doraimages/> or by sending a written request to Jim Parker, Enforcement Program Manager, at the Medical Board Address.

Board Action Definitions

Letter of Admonition: (LOA) A public reprimand issued to the physician or physician assistant in the form of an actual letter or as part of a Stipulation. The letter or Stipulation is a public record and may be obtained from the Board Office.

Stipulation and Final Agency Order: (ORDER) An order of the Board and an agreement between the Board and the practitioner prior to a formal hearing. A stipulation resolves the case. In a stipulation, both parties agree to facts, sanctions and the terms and conditions for continued practice, if applicable.

Final Board Order: Final order issued by the Board after a formal hearing before an Administrative Law Judge (ALJ) where evidence and testimony were presented. The ALJ prepares a written report of the findings, which a Hearings Panel of the Board reviews and then makes the final ruling regarding the appropriate sanction.

Prima Facia: literally means "at first view" or "on its face". As used in this context, it means that the Board believes it has evidence to prove a violation of the Medical Practice Act has occurred. However, this evidence may have been rebutted or outweighed had the case gone to hearing.

Summary Suspension pursuant to 24-4-104(4), CRS: is an immediate, temporary withdrawal of the practitioner's license to practice medicine pending prompt commencement of formal disciplinary proceedings. This type of suspension can only be ordered when the Board finds the public health, safety or welfare requires emergency action or that the practitioner has willfully violated the law.

Summary Suspension pursuant to 12-36-118(5)(g)(IV), CRS: is a suspension of a practitioner's license for failure to comply with a lawful order of the Board.

Summary Suspension pursuant to 12-36-118(9), CRS: is a suspension of a practitioner's license for failure to comply with a Board order for a medical examination.

The following list does not represent all litigation involving the Board during the above period. Absent from this list are applicants denied initial licensure or reinstatement either before or after a hearing.

Victor Manuel Alarcon, M.D., Pueblo, CO License #26290 DOB 04/16/52
Issue: Permanent relinquishment
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on May 15, 2002, whereby Respondent permanently relinquished his medical license and retired from the practice of medicine effective July 1, 2002. This action does not constitute discipline. The Order is open for public inspection.

Patrick C. Allen, M.D., Loveland, CO License #18074 DOB 02/02/47
Issue: Failure to meet generally accepted standards of medical practice
Outcome: Letter of Admonition (LOA) issued and accepted by Respondent from Inquiry Panel A on October 10, 2002 based upon Respondent's failure to meet generally accepted standards of medical practice. The LOA is open for public inspection and reported as required by law.

James B. Anderson, III, M.D., Loveland, CO License #26786 DOB 7/17/44
Issue: Termination of Stipulation and Final Agency Order.
Outcome: On February 13, 2002, the Board terminated Respondent's Stipulation and Final Agency Order finding that Respondent successfully completed all terms and conditions of the Order. Respondent's medical license is restored to an active, unrestricted status.

Richard Roy Augspurger, M.D., Wheat Ridge, CO License #21171 DOB 10/23/47
Issue: Failure to meet generally accepted standards of medical practice
Outcome: Letter of Admonition (LOA) issued and accepted by Respondent from Inquiry Panel A on November 13, 2002 based upon Respondent's medical care and treatment of a patient that failed to meet the generally accepted standards of medical practice. The LOA is open for public inspection and reported as required by law.

Willie Oscar Autery, Jr., M.D., Abilene, TX License #30572 DOB 06/02/31
Issue: Permanent relinquishment
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on June 20, 2002, whereby Respondent permanently relinquished his Colorado medical license. The Order is open for public inspection and reported as required by law.

James J. Bachman, M.D., Frisco, CO License #22383 DOB 07/21/52
Issue: Boundary violation
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on July 11, 2002, admonishing Respondent for a violation of section 12-36-117(1)(r), C.R.S., and requiring Respondent to successfully complete a professional boundaries course. The Order is open for public inspection and reported as required by law.

James J. Bachman, M.D., Frisco, CO License #22383 DOB 07/21/52
Issue: Termination of Stipulation and Final Agency Order

Outcome: Effective September 5, 2002, Respondent's medical license was restored to an active, unrestricted status finding that Respondent successfully completed all the terms and conditions of the Stipulation and Final Agency Order.

Dalrie Berg, D.O., Thornton, CO License #13215 DOB 07/05/27
Issue: Interim Cessation of Practice
Outcome: Stipulation for Interim Cessation of Practice (Stipulation) approved by Inquiry Panel A whereby Respondent agrees to cease the practice of medicine in Colorado effective December 23, 2002 through June 20, 2003. The Stipulation is not a final action as defined in section 24-4-102(1), C.R.S., and is not reportable to the National Practitioner's Data Bank. The Stipulation does not constitute final disciplinary action. The Stipulation is a public record and open for public inspection.

Charles A. Blakely, M.D., Albuquerque, NM License #22395 DOB 03/31/41
Issue: Termination of Stipulation and Final Agency Order
Outcome: On August 16, 2002, Inquiry Panel B terminated Respondent's Stipulation and Final Agency Order finding that Respondent successfully completed all terms and conditions of the Order. Respondent's medical license is restored to an active, unrestricted status.

Susan M. Bond, M.D., Colorado Springs, CO License #37645 DOB 04/24/56
Issue: Stipulation for Interim Cessation of Practice
Outcome: Stipulation for Interim Cessation of Practice approved by Inquiry Panel A on August 14, 2002, whereby Respondent agreed to cease the practice of medicine in Colorado until such time the Panel receives information that she is able to practice medicine safely. The Stipulation became effective on July 24, 2002 upon signature of Respondent. This Stipulation is not a final action as defined in section 24-4-102(1), C.R.S., and not reported to the National Practitioner's Data Bank. The Interim Stipulation does not constitute disciplinary action. The Stipulation is open for public inspection.

Susan Bond, M.D., Colorado Springs, CO License #37645 DOB 04/24/56
Issue: Physical or Mental Condition
Outcome: Stipulation and Final Agency Order (Order) approved by Inquiry Panel A on December 12, 2002 restricting Respondent's medical practice that involves at least one other physician to be physically present and available at all times that Respondent is engaged in the clinical practice of medicine. Respondent's license is placed on a five-year probation period with monitoring. The Order is open for public inspection and reported as required by law.

Julius J. Budnick, M.D., Colorado Springs, CO License #32884 DOB 08/10/57
Issue: Termination of Stipulation and Final Agency Order

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DISCIPLINARY ACTIONS TAKEN BY THE BOARD

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Outcome: Effective September 5, 2002, Respondent's medical license was restored to an active, unrestricted status finding that Respondent successfully completed all the terms and conditions of the Stipulation and Final Agency Order.

Steven R. Carlson, M.D., Colorado Springs, CO License #33963 DOB 09/13/64
Issue: Violation of Stipulation and Final Agency Order

Outcome: Order of Summary Suspension issued by Inquiry Panel B on June 20, 2002, pursuant to section 12-36-118(5)(g)(IV), C.R.S., summarily suspending Respondent's medical license for failure to comply with treatment monitoring provisions as set forth in the Stipulation. The Order is open for public inspection and reported as required by law.

Chester M. Cedars, M.D., Greenwood Village, CO License #16561 DOB 03/19/45
Issue: Permanent practice restriction and practice limitation

Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on May 15, 2002, permanently restricting Respondent from the practice of obstetrics and limiting practice to administrative medicine. Respondent may practice clinical medicine under practice monitoring and reporting of his medical practice and other conditions as imposed by the order. The Order is open for public inspection and reported as required by law.

Yi Yue Chang, Unlicensed, Denver, CO, DOB 11/19/51

Issue: Unlicensed practice of medicine
Outcome: Stipulated Order for Injunction By Consent of the Parties, Denver District Court, dated December 13, 2001, whereby the defendant agreed to permanently cease from performing any act defined as the practice of medicine in section 12-36-106(1)(a) through (f), C.R.S. The Order is open to public inspection.

John N. Chatfield, Jr., M.D., Colorado Springs, CO License #18315 DOB 07/01/41

Issue: Stipulation and Final Agency Order
Outcome: On November 15, 2002, Inquiry Panel B approved a Stipulation and Final Agency Order ("Order") reactivating Respondent's medical license subject to the terms and conditions of the Stipulation. Respondent agreed to limit his practice to administrative medicine only. Respondent's license is placed on probation for one year with treatment monitoring and practice monitoring regarding his practice of administrative medically-related duties. The Order is open for public inspection and reported as required by law.

Kevin R. Clemmer, D.O., Arvada, CO License #34583 DOB 11/16/53

Issue: Substandard medical care
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on May 17, 2002 placing Respondent's medical license on five years' probation with practice monitoring and an educational assessment and evaluation regarding multiple incidents of patient substandard care. The Order is open for public inspection and reported as required by law.

Richard K. Clise, M.D., Fort Morgan, CO License #34152 DOB 10/06/57

Issue: Interim Cessation of Practice
Outcome: Stipulation for Interim Cessation of Practice approved by Inquiry Panel A on June 13, 2002, whereby upon the effective date of the Order Respondent agrees to cease practicing medicine in Colorado until such time as the Panel receives information that Respondent is able to practice medicine safely. The Order is not a final action as defined in section 24-4-102(1), C.R.S., and is not reported to the National Practitioner Data Bank. The Order is open for public inspection.

Richard K. Clise, M.D., Fort Morgan, CO License #34152 DOB 10/06/57

Issue: Substance Abuse
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on December 12, 2002 based upon Respondent's history of substance abuse and criminal conviction to a Class V felony of obtaining a controlled substance by fraud and deceit. Respondent's medical license is placed on a five-year probationary period with monitoring. The Order is open for public inspection and reported as required by law.

Philip S. Clodfelter, M.D., Lakewood, CO License #26335 DOB 07/13/52

Issue: Failure to meet generally accepted standards of medical practice
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on June 20, 2002, placing Respondent's medical license on five years' probation with practice monitoring and an educational assessment and evaluation for failure to meet generally accepted standards of medical practice in the care of a patient. The Order is open for public inspection and is reported as required by law.

Charles M. Collins, M.D., Denver, CO License #24910 DOB 12/26/48

Issue: Inactivate license
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on October 10, 2002, whereby Respondent placed his medical license in an inactive status. Respondent must meet conditions set forth in the Stipulation prior to approval by the Panel to reactivate his medical license. The Order is open for public inspection and reported as required by law.

Calder B. Conner, M.D., Redding, CA License #36571 DOB 07/23/54

Issue: Termination of Stipulation and Final Agency Order
Outcome: On August 14, 2002, Inquiry Panel A terminated Respondent's Stipulation and Final Agency Order finding that Respondent successfully completed all terms and conditions of the Order. Respondent's medical license is restored to an active, unrestricted status.

William J. Cooper, PA, Monte Vista, CO, License #152, DOB 7/12/50

Issue: Violation of probation
Outcome: Order of Suspension issued on January 10, 2002, ordering the license to practice as a physician assistant suspended, to remain in effect until such time respondent is in compliance with all probationary terms of the November 17, 1999, Second Stipulation and Final Agency Order. The Order of Suspension is open for public inspection and reported as

required by law.

William J. Cooper, P.A., Del Norte, CO License #152 DOB 07/12/50

Issue: Voluntary surrender
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on July 18, 2002, whereby Respondent voluntarily surrendered his Colorado license to practice as a physician assistant. The Order is open for public inspection and reported as required by law.

Russell Copelan, M.D., Manitou Springs, CO License # 24453 DOB 12/30/47

Issue: Permanent practice restriction.
Outcome: Second Stipulation and Final Agency Order approved on February 15, 2002, reinstating Respondent's medical license to practice administrative medicine only. The Second Order prohibits Respondent from engaging in the practice of clinical medicine. This action does not constitute discipline. The Order is open to public inspection.

Anne M. Coury, M.D., Littleton, CO, License #30702, DOB 11/10/54

Issue: Reactivation of license
Outcome: Stipulation and Final Agency Order approved on January 10, 2002, reactivating respondent's medical license subject to practice restrictions and terms of probation due to a physical disability. Respondent is restricted from performing operative procedures of any nature until such time respondent is deemed safe by the Board to perform operative procedures. Terms of the five-year probation include practice monitoring and treatment monitoring through CPHP. The Order is open to public inspection and reported as required by law.

Leon Cunningham, M.D., Colorado Springs, CO License #18621 DOB 8/23/40

Issue: Interim agreement not to practice medicine.
Outcome: Interim Stipulation approved on February 15, 2002, whereby Respondent agreed not to practice medicine through and including July 18, 2002. The Interim Stipulation does not constitute disciplinary action taken against Respondent's medical license. This Interim Stipulation is open to public inspection.

Leon D. Cunningham, M.D., Colorado Springs, CO License #18621 DOB 08/23/40

Issue: Voluntary surrender of medical license
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on August 16, 2002, whereby Respondent voluntarily surrendered his license to practice medicine due to a disability. Respondent may reapply for licensure in the future subject to terms of the Order. The Order is open for public inspection and is reported as required by law.

Louis Daprano, Unlicensed DOB Unknown
Issue: Unlicensed practice of medicine.

Outcome: Order for Permanent Injunction dated January 28, 2002, District Court, Otero County, Colorado, enjoining defendant from performing any act that constitutes the practice of medicine. The Order for Permanent Injunction is open for public inspection.

Jennifer Deason, M.D., Denver, CO License #40198, DOB 11/12/70

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DISCIPLINARY ACTIONS TAKEN BY THE BOARD

Issue: Medical condition that requires treatment and monitoring

Outcome: Stipulation and Final Agency Order approved on January 10, 2002, whereby respondent agreed to a five-year period of probation. Terms of probation include treatment monitoring. The Order is open for public inspection and reported as required by law. This Board action does not constitute discipline.

Robert L. Deters, M.D., Park City, UT License #18972 DOB 03/11/47

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued and accepted by Respondent from Inquiry Panel A on October 10, 2002 based upon Respondent's failure to meet generally accepted standards of medical practice. The LOA is open for public inspection and reported as required by law.

Jon G. Dishler, M.D., Englewood, CO License #22208 DOB 11/05/52

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued and accepted by Respondent from Inquiry Panel B on November 15, 2002 based upon Respondent's medical care and treatment of a patient that failed to meet the generally accepted standards of medical practice. The LOA is open for public inspection and reported as required by law.

Jason M. Ditto, M.D., Los Angeles, CA License #31355 DOB 08/14/60

Issue: Failure to comply with a Board Order

Outcome: Order of Suspension from the Practice of Medicine approved by Inquiry Panel A on September 12, 2002, suspending Respondent's medical license for failure to comply with a Board Order. The suspension was vacated on September 23, 2002 finding that Respondent had complied with the Board Order. Respondent's license is returned to an active status. The Order is open for public inspection and reported as required by law.

Howard Donner, M.D., Telluride, CO License #32433 DOB 8/12/53

Issue: Failure to comply with a Board Order.

Outcome: Order of Suspension from the practice of medicine dated February 8, 2002, for failing to comply with a Board Order. This Order is open for public inspection and reported as required by law.

Daniel A. Dotson, D.O., Pueblo, CO License #25062 DOB 11/14/41

Issue: Voluntary relinquishment of medical license

Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on November 13, 2002, whereby Respondent voluntarily agreed to permanently relinquish his medical license effective May 1, 2003. The Order resolves all matters set forth in the Formal Complaint filed against Respondent's license in June 2002.

Patricia A. Duletsky, M.D., Moffat, CO License #27538 DOB 06/08/55

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued to Respondent by Inquiry Panel B on July 18, 2002 based upon Respondent's failure to meet generally accepted standards of medical practice in

the care and treatment of two patients. The LOA is open for public inspection and reported as required by law.

Lloyd Eckhardt, M.D., Aurora, CO License #17085 DOB 4/23/35

Issue: Termination of Stipulation and Final Agency Order.

Outcome: On February 13, 2002, the Board terminated Respondent's Stipulation and Final Agency Order finding that Respondent successfully completed all terms and conditions of the Order. Respondent's medical license is restored to an active, unrestricted status.

James Casey Elgin, D.O., Colorado Springs, CO License #23915 DOB 01/30/51

Issue: Violation of Stipulation and Final Agency Order

Outcome: Order of Summary Suspension effective August 9, 2002, pursuant to section 12-36-118 (5)(g)(IV), C.R.S., summarily suspending Respondent's medical license for failure to fully comply with treatment monitoring conditions as set forth in Respondent's Stipulation. The suspension shall remain in effect until such time the Panel receives information that Respondent is compliant with all treatment monitoring recommendations. This Order is open for public inspection and is reported as required by law.

James Casey Elgin, D.O., Colorado Springs, CO License #23915 DOB 01/30/51

Issue: Voluntary surrender of medical license

Outcome: Third Stipulation and Final Agency Order approved by Inquiry Panel A on September 12, 2002, whereby Respondent voluntarily surrendered his license to practice medicine permanently. The Order is open for public inspection and reported as required by law.

John H. Emerson, M.D., Englewood, CO License #30269 DOB 08/21/52

Issue: Violation of Stipulation and Final Agency Order

Outcome: Order of Summary Suspension effective 5:00 p.m. November 19, 2002, pursuant to section 12-36-118(5)(g)(IV), C.R.S., summarily suspending Respondent's medical license for failure to fully comply with practice monitoring conditions as set forth in Respondent's Stipulation. The suspension shall remain in effect until such time as Respondent is in full compliance with all practice monitoring provisions of his probation. The Order is open for public inspection and is reported as required by law.

Gerald M. English, M.D., Englewood, CO License #13881 DOB 02/14/31

Issue: Stipulation for Interim Cessation of Practice

Outcome: Stipulation for Interim Cessation of Practice approved by Inquiry Panel A on August 14, 2002, whereby Respondent agreed to cease the practice of medicine in Colorado effective August 14, 2002. The Stipulation remains in effect until December 15, 2002. The Stipulation is not a final action as defined in section 24-4-102(1), C.R.S., and not reportable to the National Practitioner's Data Bank. The Interim Stipulation does not constitute disciplinary action. The Stipulation is open for public inspection.

Gerald M. English, M.D., Denver, CO License #13881 DOB 02/14/31

Issue: Inactivation of License and Permanent

Retirement from the Practice of Medicine
Outcome: A Second Stipulation and Final Agency Order approved by Inquiry Panel A on December 12, 2002 whereby Respondent has permanently retired from the practice of medicine effective December 12, 2002 placing his license in an inactive status. Respondent agrees not to reactivate or renew his medical license in Colorado. The Order is open for public inspection and reported as required by law.

Clara Epstein, M.D., Boulder, CO License #40083 DOB 06/17/63

Issue: Termination of Stipulation and Final Agency Order

Outcome: Effective October 10, 2002, Inquiry Panel A approved to terminate Respondent's Stipulation and Final Agency Order and placed Respondent's license in an inactive status.

Andrew R. Erdman, M.D., Denver, CO License #38085 DOB 8/04/64

Issue: Criminal felony conviction and substance abuse.

Outcome: Stipulation and Final Agency Order approved on February 13, 2002, whereby Respondent agreed to a five-year period of probation. Probationary terms include compliance with the court ordered four-year deferred judgment and probation in the criminal case, abstinence from addictive substances, treatment monitoring through CPHP, and practice monitoring of his medical practice. The Order is open for public inspection and reported as required by law.

Gregory T. Fisher, M.D., Los Alamitos, CA License #23155 DOB 11/04/48

Issue: License placed on inactive status

Outcome: Stipulation and Final Agency Order approved on March 21, 2002, whereby Respondent's license to practice medicine in Colorado is placed on inactive status. This Board action does not constitute discipline. The Order is open for public inspection.

Conrad W. Fitz, D.O., South Fork, CO License #35322 DOB 06/09/58

Issue: Violation of Stipulation and Final Agency Order

Outcome: Order of Summary Suspension was issued by Inquiry Panel A on May 15, 2002, pursuant to section 12-36-118(5)(g)(IV), C.R.S., summarily suspending Respondent's medical license for failure to comply with treatment monitoring provisions as set forth in the Stipulation. Suspension was vacated on May 20, 2002, upon confirmation that Respondent was compliant with all terms of the stipulation. Respondent's medical license was restored to an active with conditions status.

Jessica Fleishman, M.D., New Platz, NY License #31130 DOB 11/30/62

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued to Respondent by Inquiry Panel B on May 17, 2002, based upon rendering medical care and treatment to a patient that fell below generally accepted standards of medical practice, constituting unprofessional conduct as set forth in section 12-36-117, C.R.S. The LOA is open for public inspection and reported as required by law.

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Mark S. Flora, M.D., Westminster, CO License #25779 DOB 09/23/53

Issue: Termination of Stipulation and Final Agency Order

Outcome: Effective November 13, 2002, Respondent's medical license was restored to an active, unrestricted status finding that Respondent successfully completed all terms and conditions of the Stipulation and Final Agency Order.

Barry W. Frieder, M.D., Denver, CO License #29005 DOB 10/16/44

Issue: Stipulation and Final Agency Order

Outcome: On August 14, 2002, Inquiry Panel A approved a Stipulation and Final Agency Order, whereby Respondent agreed to accept a Letter of Admonition issued by the Panel for failure to make essential entries in patient records. Respondent is required to undergo an educational assessment and evaluation and successfully complete all required educational activities within two years of the effective date of this Order.

Randall H. Gehl, M.D., Grand Junction, CO License #39259 DOB 11/12/69

Issue: Failure to meet generally accepted standards of medical practice

Outcome: A Letter of Admonition was issued by Inquiry Panel B on August 16, 2002, for failure to meet generally accepted standards of medical practice in the care and treatment of a patient. The Letter of Admonition is open for public inspection and reported as required by law.

Kelly Ray Gregg, M.D., Colorado Springs, CO License #27394 DOB 7/10/51

Issue: Violation of a Board Order.

Outcome: Second Stipulation and Final Agency Order approved February 15, 2002, whereby Respondent agreed to cease the practice of obstetrics permanently and enter into a new five-year period of probation with practice monitoring. The Order is open for public inspection and reported as required by law.

Fred Groves, M.D., Greeley, CO License #14477 DOB 04/20/31

Issue: Reinstatement

Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on July 11, 2002, reinstating Respondent's Colorado medical license with permanent practice restrictions. Respondent is authorized to serve as a surgical first assistant either at North Colorado Medical Center or North Colorado Surgical Center. The Order is open for public inspection and reported as required by law.

Marc H. Grushan, M.D., Boulder, CO License #32743 DOB 3/18/66

Issue: Unprofessional conduct (medical record charting deficiencies).

Outcome: Letter of Admonition issued on January 10, 2002 for improper medical charting that failed to meet generally accepted standards of medical practice. The Letter of Admonition is open for public inspection and reported as required by law.

Christian Hageseth, III, M.D., Fort Collins, CO License #21721 DOB 02/23/41

Issue: Reinstatement of medical license

Outcome: Stipulation and Final Agency Order was approved by Inquiry Panel B on June 20,

2002, reinstating Respondent's medical license subject to probationary terms as set forth in the Order for as long as Respondent practices medicine in the state of Colorado. The Order is open for public inspection and reported as required by law.

Michael L. Hall, M.D., Englewood, CO License #21722 DOB 09/27/50

Issue: Unprofessional conduct

Outcome: Letter of Admonition (LOA) issued to Respondent by Inquiry Panel B on July 18, 2002, based upon Respondent billing for a medical procedure he did not perform, constituting unprofessional conduct as set forth in section 12-36-117, C.R.S.

Alexis Hallock, M.D., Sedro-Wooley, WA License #34058 DOB 11/01/50

Issue: Unprofessional conduct (medical record deficiencies).

Outcome: Stipulation and Final Agency approved on February 15, 2002, whereby Respondent agreed to complete a continuing medical education course in documentation and record keeping. The Order is open for public inspection and reported as required by law.

Alexis Hallock, M.D., Anacortes, WA License #34058 DOB 11/01/50

Issue: Termination of Stipulation and Final Agency Order

Outcome: On April 11, 2002, the Board terminated Respondent's February 15, 2002 Stipulation and Final Agency Order, finding that Respondent successfully completed all terms and conditions of the Order. Respondent's medical license is restored to an active, unrestricted status.

Robert W. Handler, M.D., Randolph, NJ, License #35287, DOB 6/14/47

Issue: Inactivation of license

Outcome: Stipulation and Final Agency Order approved on January 10, 2002, whereby respondent agreed to place his medical license on inactive status commencing on the effective date of the Order. The Order is open for public inspection. This Board action does not constitute discipline.

David E. Harrison, M.D., Englewood, CO License #37621 DOB 08/24/61

Issue: Inactivate license

Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on August 16, 2002, whereby Respondent placed his medical license in an inactive status due to a disability. The Order is open for public inspection and is reported as required by law.

Thurman F. Hodge, D.O., Woodland Park, CO License #31265 DOB 01/06/45

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on August 16, 2002, placing Respondent's medical license on five years' probation with practice monitoring and requirement to undergo an educational assessment and evaluation for failure to meet generally accepted standards of medical practice in the medical care and treatment of two patients. The Order is open for public inspection and is reported as required by law.

Stephen G. Horne, M.D., Fort Collins, CO License #31610 DOB 04/25/60

Issue: Letter of Admonition with treatment monitoring and practice monitoring.

Outcome: Letter of Admonition with conditions issued by Inquiry Panel A on May 15, 2002, whereby Respondent is to receive treatment monitoring through CPHP and practice monitoring of his medical practice during the next five years due to recurrent episodes of depression. The Order is open for public inspection and reported as required by law.

Jeffrey D. Huston, M.D., Littleton, CO, License #24485, DOB 4/4/49

Issue: Unprofessional conduct.

Outcome: Letter of Admonition issued on December 13, 2001 for failure to respond in a timely manner to a complaint issued by the Board. The LOA is open for public inspection and reported as required by law.

Daniel B. Jinich, M.D., Fort Collins, CO License #24687 DOB 10/12/53

Issue: Boundary violation

Outcome: Stipulation and Final Agency Order was approved by Inquiry Panel B on May 17, 2002, placing Respondent's medical license on five years' probation with treatment monitoring through CPHP. The Order is open for public inspection and reported as required by law.

Michael W. Johnson, M.D., Durango, CO License #36335 DOB 12/09/59

Issue: Stipulation for Interim Cessation of Practice

Outcome: Stipulation for Interim Cessation of Practice approved by Inquiry Panel A on July 30, 2002, whereby Respondent agreed to cease the practice of medicine in Colorado effective July 30, 2002. The Stipulation remains in effect until January 29, 2003. The Stipulation is not a final action as defined in section 24-4-102(1), C.R.S., and is not reportable to the National Practitioner's Data Bank. The Stipulation does not constitute disciplinary action. The Stipulation is open for public inspection.

Pius Kamau, M.D., Aurora, CO License #22822 DOB 09/01/41

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued to Respondent by Inquiry Panel A on September 12, 2002, based upon Respondent's failure to meet generally accepted standards of practice in the medical care and treatment of a patient. The LOA is open for public inspection and reported as required by law.

Frank LaConte, D.O., Thornton, CO License #15568 DOB 12/03/31

Issue: License placed on inactive status

Outcome: Stipulation and Final Agency Order approved on April 1, 2002, whereby Respondent agreed to permanently inactivate his Colorado medical license. The Order is open for public inspection and reported as required by law.

Vernon Y. J. Lee, D.O., Thornton, CO License #18181 DOB 03/05/45

Issue: Termination of Stipulation and Final Agency Order

Outcome: On June 13, 2002, Inquiry Panel A terminated Respondent's Stipulation and Final Agency Order finding that Respondent successfully completed all terms and conditions of the

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DISCIPLINARY ACTIONS TAKEN BY THE BOARD

Order. Respondent's medical license is restored to an active, unrestricted status.

Albert Read Lewin, M.D., Beaufort, SC License #41177 DOB 05/07/45

Issue: Restricted License

Outcome: Panel B Licensing Subcommittee granted applicant a restricted license subject to the terms and conditions of a Stipulation and Final Agency Order (Order). Applicant is granted a restricted license for one year for the sole purpose of participating and completing a fellowship program. The Order is open for public inspection and reported as required by law.

Douglas W. Lewis, D.O., Pueblo, CO License #30115 DOB 11/08/55

Issue: License placed on inactive status

Outcome: Stipulation and Final Agency Order approved on March 21, 2002, whereby Respondent's license to practice medicine in Colorado is placed on inactive status. This Board action does not constitute discipline. The Order is open for public inspection.

Judson F. Lloyd, M.D., Wheat Ridge, CO License #22206 DOB 12/22/34

Issue: Failure to comply with a Board Order

Outcome: Order of Suspension from the Practice of Medicine approved by Inquiry Panel A on September 12, 2002, suspending Respondent's medical license for failure to comply with the Board Order. The Order is open for public inspection and is reported as required by law.

Laurence S. Lopez, M.D., Colorado Springs, CO License #27415 DOB 12/16/49

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on August 14, 2002, placing Respondent's medical license on five years' probation with practice monitoring and requirement to undergo an educational assessment and evaluation for failure to meet generally accepted standards of medical practice in the medical care and treatment of a patient. The Order is open for public inspection and is reported as required by law.

Bjoern A. Mannsfeld, M.D., Denver, CO, License #38175, DOB 2/10/70

Issue: Alcohol abuse

Outcome: Stipulation and Final Agency Order approved on January 10, 2002, whereby respondent agreed to a five-year period of probation. Probationary terms include abstinence from addictive substances, treatment and monitoring through CPHP and practice monitoring of respondent's medical practice. The Order is open to public inspection and reported as required by law.

Bjoern A. Mannsfeld, M.D., Denver, CO License #38175 DOB 02/10/70

Issue: Violation of Stipulation and Final Agency Order

Outcome: Order of Summary Suspension issued by Inquiry Panel A on June 13, 2002, pursuant to section 12-36-118(5)(g)(IV), C.R.S., summarily suspended Respondent's medical license for failure to comply with treatment monitoring provisions as set forth in the Stipulation. Order vacating Summary Suspension on June 25, 2002. The Orders are open for public inspection and reported as required by law.

Bjoern A. Mannsfeld, M.D., Denver, CO License #38175 DOB 02/10/70

Issue: Violation of Stipulation and Final Agency Order

Outcome: A Letter of Admonition was issued by Inquiry Panel A on August 14, 2002, for failure to comply with treatment monitoring as set forth in the January 10, 2002 Stipulation and Final Agency Order. The Letter of Admonition is open for public inspection and reported as required by law.

Richard E. Martin, M.D., Englewood, CO License #26303 DOB 11/20/53

Issue: Termination Stipulation and Final Agency Order

Outcome: On April 11, 2002, the Board terminated Respondent's Stipulation and Final Agency Order, finding Respondent successfully completed all terms and conditions of the Order. Respondent's medical license is restored to an active, unrestricted status.

Thomas J. McGuire, M.D., Canon City, CO License #31790 DOB 07/15/55

Issue: Termination of Stipulation and Final Agency Order

Outcome: Effective November 13, 2002, Respondent's medical license was restored to an active, unrestricted status finding that Respondent successfully completed all terms and conditions of the January 14, 1999 Stipulation and Final Agency Order.

Robert F. Mimmack, M.D., Grand Junction, CO License #31001 DOB 04/16/59

Issue: Interim Cessation of Practice

Outcome: Stipulation for Interim Cessation of Practice approved by Inquiry Panel A on May 28, 2002, whereby upon the effective date of the Order Respondent agrees to cease practicing medicine in Colorado until such time as the Panel receives information that Respondent is able to practice medicine safely. The Order expires on October 1, 2002. This Order is not a final action as defined in section 24-4-102(1), C.R.S., and is not reported to the National Practitioner Data Bank. The Order is open for public inspection.

Robert F. Mimmack, M.D., Grand Junction, CO License #31001 DOB 04/16/59

Issue: Interim Cessation of Practice

Outcome: Second Stipulation for Interim Cessation of Practice approved by Inquiry Panel A on September 12, 2002, whereby Respondent agrees to continue the cessation of practice of medicine in Colorado until such time as the Panel receives information that Respondent is able to practice medicine safely. The Second Order terminates on December 1, 2002. This Order is not a final action as defined in section 24-4-102(1), C.R.S., and is not reported to the National Practitioner Data Bank. This Order does not constitute disciplinary action. The Order is a public record and open for public inspection.

Erik M. Mondrow, M.D., Denver, CO License #34929 DOB 11/27/65

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued to Respondent by Inquiry Panel A on May 15, 2002, based upon rendering medical care and treatment to a patient that fell below generally accepted standards of medical practice constituting unprofessional conduct as set forth in section

12-36-117, C.R.S. The LOA is open for public inspection and reported as required by law.

Loren Richard Morgan, M.D., Chico, CA License #13840 DOB 10/08/35

Issue: Substandard care.

Outcome: Stipulation and Final Agency Order approved on March 21, 2002, whereby Respondent received a Letter of Admonition for engaging in substandard medical practice in the care and treatment of a patient. Respondent also agreed not to practice medicine in Colorado unless and until he has obtained, completed, signed and submitted to the Board for its review a satisfactory assessment from the Colorado Personalized Education for Physicians. The Order is open for public inspection and reported as required by law.

Herman A. Motz, III, M.D., Highlands Ranch, CO License #31945 DOB 12/01/61

Issue: Failure to meet generally accepted standards of medical license

Outcome: Letter of Admonition (LOA) issued to Respondent by Inquiry Panel A on May 15, 2002, based upon rendering medical care and treatment to a patient that fell below generally accepted standards of medical practice, constituting unprofessional conduct as set forth in section 12-36-117, C.R.S. The LOA is open for public inspection and reported as required by law.

Jeffrey D. Neidhart, M.D., Birmingham, AL License #41068 DOB 04/27/68

Issue: Stipulation and Final Agency Order

Outcome: On November 15, 2002, Inquiry Panel B granted applicant a medical license subject to a five-year probationary period with treatment monitoring regarding Respondent's history of substance abuse. The Order is open for public inspection and reported as required by law.

Robert W. Neuman, M.D., Durango, CO License #26685 DOB 11/05/48

Issue: Interim Cessation of Practice

Outcome: Stipulation for Interim Cessation of Practice approved by Inquiry Panel B on November 15, 2002, whereby Respondent agrees to place his license in an inactive status. The Stipulation expires November 15, 2003. This Order is not a final action as defined in section 24-4-102(1), C.R.S., and is not reported to the National Practitioner's Data Bank. This Order does not constitute disciplinary action. The Order is a public record and open for public inspection.

Peter Michael Nicholson, M.D., Denver, CO License #32584 DOB 08/16/61

Issue: Termination of Stipulation and Final Agency Order

Outcome: On April 11, 2002, the Board terminated Respondent's Stipulation and Final Agency Order finding that Respondent successfully completed all terms and conditions of the Order. Respondent's medical license is restored to an active, unrestricted status.

Alfred C. Nitka, M.D., Lakewood, CO License #25578 DOB 11/11/52

Issue: Termination of Stipulation and Final Agency Order

Outcome: On July 18, 2002, Inquiry Panel B terminated Respondent's Stipulation and Final Agency Order finding that Respondent successfully completed all terms and conditions of the

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DISCIPLINARY ACTIONS TAKEN BY THE BOARD

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Order. Respondent's medical license is restored to an active, unrestricted status.

Brian D. Olivier, M.D., Colorado Springs, CO License #27696 DOB 1/22/57
Issue: Final Board Order.

Outcome: The Final Board Order was adopted and approved by the Hearings Panel on February 15, 2002, sanctioning Respondent's medical license with a Letter of Admonition regarding medical record charting deficiencies with respect to Respondent's care and treatment of two patients. The Final Board Order is open for public inspection and reported as required by law.

Alexis J. Parker, M.D., Denver, CO License #24979 DOB 01/07/47

Issue: Stipulation and Final Agency Order
Outcome: On November 15, 2002, Inquiry Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to accept a Letter of Admonition issued by the Panel for improper prescribing practices. Respondent's license is placed on a five-year probationary period with treatment monitoring. Respondent also agreed to a permanent practice restriction not to engage in the practice of emergency medicine. The Order is open for public inspection and reported as required by law.

Dominador T. Perido, M.D., Elkhart, KS License #26005 DOB 10/24/44

Issue: License transferred to inactive status.
Outcome: Stipulation and Final Agency Order approved on February 13, 2002, whereby Respondent's license to practice medicine in Colorado is placed on inactive status. This Board action does not constitute discipline. The Order is open for public inspection.

Teresa L. Platt, M.D., Glenwood Springs, CO License #41008 DOB 12/04/53

Issue: Restricted License
Outcome: Third Stipulation and Final Agency Order approved by Inquiry Panel A on October 10, 2002, granting Respondent a restricted medical license for the purpose of completing educational activities. Respondent is also to receive treatment monitoring as deemed necessary. The Order is open for public inspection and is reported as required by law.

Barry Portner, M.D., Lamar, CO License #40279 DOB 10/08/38

Issue: Applicant was granted a license with conditions.
Outcome: Stipulation and Final Agency Order approved on February 13, 2002, granting applicant a license to practice medicine subject to terms and conditions of probation. Terms of the five-year probation period include practice monitoring of Respondent's medical practice and successful completion of educational activities as set forth in the Order. The Order is open for public inspection and reported as required by law.

Kenneth R. Ramach, M.D., Littleton, CO, License #23317, DOB 3/15/45

Issue: License relinquishment
Outcome: Stipulation and Final Agency Order approved on January 17, 2002, whereby respondent permanently relinquished his Colorado medical license. The Order is open to public inspection and reported as required by law.

Tanya Ramaswamy, M.D., Aurora, CO License #39865 DOB 12/28/64

Issue: Termination of Stipulation and Final Agency Order.
Outcome: On February 15, 2002, the Board terminated Respondent's Stipulation and Final Agency Order, finding that Respondent successfully completed all terms and conditions of the Order. Respondent is granted an unrestricted medical license.

Michael T. Rendler, M.D., Pueblo, CO License #20267 DOB 01/22/49

Issue: Failure to meet generally accepted standards of medical practice
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on September 19, 2002, placing Respondent's medical license on a five-year probationary period with practice monitoring and a requirement to undergo an educational assessment and evaluation. As a condition of probation, Respondent is also required to maintain a prescription log for any controlled substance that patients receive from Respondent. The Order is open for public inspection and is reported as required by law.

Carey Lynn Renken, M.D., Englewood, CO License #39769 DOB 10/04/65

Issue: License placed in an inactive status
Outcome: Stipulation for Interim Cessation of Practice approved by Inquiry Panel B on September 19, 2002, whereby Respondent agrees to inactivate her medical license effective September 6, 2002. Respondent's license to practice medicine will remain in an inactive status for at least six months. Respondent agrees that while her license is in an inactive status she will not perform any act requiring a license issued by the Board. This Order is not a final action as defined in section 24-4-102(1), C.R.S., and is not reported to the National Practitioner Data Bank. This Order does not constitute disciplinary action. The Order is a public record and open for public inspection.

Dawn M. Riemersma, M.D., Pueblo, CO License #40416 DOB 01/25/72

Issue: Granted medical license with conditions
Outcome: On April 11, 2002, the Board granted applicant a license to practice medicine in Colorado by way of a Stipulation and Final Agency Order that requires five years' probation with treatment monitoring through CPHP.

Richard Rivera, M.D., Pueblo, CO License #19885 DOB 7/31/44

Issue: Termination of Stipulation and Final Agency Order.
Outcome: On February 15, 2002, the Board terminated Respondent's Stipulation and Final Agency Order, finding that Respondent successfully completed all terms and conditions of the Order. Respondent's medical license is restored to an active, unrestricted status.

Alfred Roberts, M.D., Littleton, CO License #28763 DOB 2/29/56

Issue: Letter of Admonition vacated.
Outcome: On February 13, 2002, Inquiry Panel A of the Board vacated the Letter of Admonition.

Kevin Michael Roley, M.D., Waterton, WI License #40641 DOB 03/11/57

Issue: Alcohol abuse
Outcome: Stipulation and Final Agency Order

approved by Inquiry Panel A on June 13, 2002, granting applicant a stipulated license subject to a three-year probationary period with treatment monitoring. The Order is open for public inspection and reported as required by law.

Scott C. Russell, D.O., Cedaredge, CO License #37185 DOB 10/20/66

Issue: Prescribing practices and substance abuse
Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on August 14, 2002, placing Respondent's license on five years' probation with practice monitoring and treatment monitoring due to unlawful prescribing practices and substance abuse. The Order also restricts Respondent's prescribing of controlled substances as set forth in the Order. The Order is open for public inspection and is reported as required by law.

Christopher B. Ryan, M.D., Denver, CO License #29284 DOB 01/13/52

Issue: Termination of Stipulation and Final Agency Order
Outcome: On August 16, 2002, Inquiry Panel B approved the termination of Respondent's Stipulation and Final Agency Order effective August 1, 2002, finding that Respondent successfully completed all terms and conditions of the Order. Respondent's medical license is restored to an active, unrestricted status.

Christopher Ryan, M.D., Denver, CO License #29284 DOB 1/13/52

Issue: Boundary violation.
Outcome: Stipulation and Final Agency Order approved on February 15, 2002 regarding Respondent engaging in a sexual relationship with a patient within six months after the termination of the physician/patient relationship. The Order includes a Letter of Admonition, requirement to successfully complete an ethical boundaries course for physicians and permanent restriction that Respondent may only see or treat patients at his office or place of medical practice with the presence of office staff. The Order is open to public inspection and reported as required by law.

Joseph Saber, M.D., Delta, CO License #29343 DOB 03/09/41

Issue: Interim Cessation of Practice
Outcome: Stipulation for Interim Cessation of Practice approved by Inquiry Panel B on October 17, 2002, whereby Respondent has agreed not to engage in the practice of medicine until such time that it has been determined that Respondent is safe to practice medicine with reasonable skill and safety. The Stipulation is not a final action as defined in section 24-4-102(1), C.R.S., and is not reportable to the National Practitioners Data Bank. The Stipulation does not constitute disciplinary action. The Stipulation is a public record and open for public inspection.

Joni K. Salmon, M.D., Lamar, CO License #32833 DOB 7/15/93

Issue: Failure to meet generally accepted standards of medical practice.
Outcome: Letter of Admonition issued on January 17, 2002 for Respondent's failure to adequately attend to a patient for whom a physician/patient relationship had been established. The Letter of Admonition is open to public inspection and reported as required by law.

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DISCIPLINARY ACTIONS TAKEN BY THE BOARD

Jonik K. Salmon, M.D., Lamar, CO License #32833 DOB 5/3/61

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition issued on February 15, 2002, for Respondent's failure to adequately evaluate and monitor a patient.

David E. Schroeder, M.D., Colorado Springs, CO License #26961 DOB 06/05/48

Issue: Agreement not to practice medicine
Outcome: Stipulation and Final Agency Order approved and effective April 18, 2002, whereby Respondent has agreed not to engage in the practice of medicine in Colorado effective April 18, 2002. Respondent may reapply for licensure subject to conditions of the Order.

Jed Shapiro, M.D., Boulder, CO License #19891 DOB 10/06/46

Issue: Termination of Stipulation and Final Agency Order

Outcome: Effective October 7, 2002, Respondent's medical license was restored to an active, unrestricted status finding that Respondent successfully completed all terms and conditions of the Stipulation and Final Agency Order.

Samuel A. Shukert, M.D., Denver, CO License #15357 DOB 8/02/38

Issue: Revocation of medical license

Outcome: A Final Board Order was adopted and approved on March 21, 2002, by Hearings Panel B revoking the Colorado medical license of Respondent. The Final Board Order and the Administrative Law Judge's Initial Decision in Case No. ME 2001-002 is open for public inspection and reported as required by law.

Daniel O. Siegel, M.D., Denver, CO License #35377 DOB 11/16/66

Issue: Letter of Admonition

Outcome: Letter of Admonition issued by Inquiry Panel B on April 18, 2002 for failing to meet generally accepted standards of medical practice regarding Respondent's medical care and treatment of a patient. The Letter of Admonition is open for public inspection and reported as required by law.

Charles Sisson, M.D., Fort Collins, CO License #35700 DOB 5/30/63

Issue: Unprofessional conduct (medical record charting deficiencies and difficulty in staff interactions).

Outcome: Stipulation and Final Agency Order approved on February 15, 2002, whereby Respondent agreed to a five-year period of probation. Probationary terms include practice monitoring and treatment monitoring through CPHP. Respondent has voluntarily taken steps to remedy interpersonal communication problems and record keeping deficiencies. The Order is open for public inspection and reported as required by law.

Edward J. Smith, Jr., M.D., Lamar, CO License #20041 DOB 11/26/42

Issue: Termination of Stipulation and Final Agency Order

Outcome: Effective December 12, 2002, Inquiry Panel A granted Respondent a full and unrestricted medical license finding that Respondent successfully completed all educational activities as set forth in the January 10, 2002 Stipulation and Final Agency Order.

John Smolley, Jr., M.D., Louisville, CO License #36472 DOB 06/07/56

Issue: Violation of Stipulation and Final Agency Order

Outcome: Order of Summary Suspension was issued by Inquiry Panel A on May 15, 2002, pursuant to section 12-36-118(5)(g)(IV), C.R.S., summarily suspending Respondent's medical license for failure to comply with treatment monitoring provisions as set forth in the Stipulation. The Order is open for public inspection and reported as required by law.

John R. Smolley, M.D., Westminster, CO License #36742 DOB 06/07/56

Issue: Failure to Comply with a Board Order

Outcome: Second Stipulation and Final Agency Order approved by Inquiry Panel A on December 12, 2002 placing Respondent's medical license on a ten-year probationary period with treatment monitoring based upon Respondent's relapse on alcohol. The Order is open for public inspection and reported as required by law.

Michelle Stoltz, M.D., Greeley, CO License #40726 DOB 09/01/71

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Inquiry Panel A acting as Licensing Subcommittee, granted applicant a Colorado medical license via a Stipulation and Final Agency Order admonishing applicant for failure to meet generally accepted standards of medical practice. The Order is open for public inspection and reported as required by law.

Initha V. Stuckey, M.D., Fort Collins, CO License #33337 DOB 4/11/53

Issue: Unlawful prescribing of controlled substances.

Outcome: Stipulation and Final Agency Order approved on February 13, 2002, whereby Respondent surrendered her license to practice medicine in Colorado. Respondent may reapply for a medical license following ninety days from the effective date of the Order. The Order is open for public inspection and reported as required by law.

Gary Snyder, Unlicensed, Littleton, CO DOB: 08/20/45

Issue: Unlicensed Practice of Medicine

Outcome: Order for Permanent Injunction dated October 15, 2002, by Jefferson County District Court permanently enjoining Defendant Gary Snyder from performing any act defined as the practice of medicine in section 12-36-106(1), C.R.S. The Order is open for public inspection.

Jean S. Stevenson, M.D., Denver, CO License #25703 DOB 05/10/50

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued and accepted by Respondent from Inquiry B on October 17, 2002 regarding Respondent's failure to meet generally accepted standards of medical practice in the care and treatment of a patient. The LOA is open for public inspection and reported as required by law.

Dugald A. Taylor, M.D., Wichita, KS License #41073 DOB 05/10/44

Issue: Stipulation and Final Agency Order

Outcome: On November 15, 2002, Inquiry Panel B approved a Stipulation and Final Agency

Order ("Order") granting applicant a license subject to the terms and conditions of the Order. Applicant has agreed not to prescribe any controlled substances and not obtain a DEA license. The restriction is permanent unless modified by a future Board Order. Applicant's license to practice medicine is placed on a five-year probationary period with treatment monitoring. The Order is open for public inspection and reported as required by law.

Robert J. Tello, M.D., Loveland, CO License #22781 DOB 03/03/47

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued to Respondent by Inquiry Panel A on July 11, 2002, for rendering medical care and treatment to a patient that fell below generally accepted standards of medical practice, constituting unprofessional conduct as set forth in section 12-36-117, C.R.S. The LOA is open for public inspection and is reported as required by law.

David W. Terry, D.O., Grand Junction, CO License #23358 DOB 01/03/47

Issue: Stipulation for Agreement to Practice

Outcome: A Stipulation for Agreement to Practice approved by Inquiry Panel B on October 17, 2002, whereby Respondent agrees to practice monitoring of his medical practice, to undergo an educational assessment and evaluation and to submit to a physical and psychological evaluation. The Stipulation does not constitute disciplinary action. The Stipulation shall remain in effect until March 1, 2003. The Stipulation is a public record and open for public inspection.

Peter M. Titus, P.A., Conifer, CO License # 25 DOB 03/07/49

Issue: Violation of Stipulation and Final Agency Order

Outcome: On April 11, 2002, Inquiry Panel A approved a Second Stipulation and Final Agency Order regarding Respondent's unauthorized use of a controlled substance.

John M. Tyler, M.D., Colorado Springs, CO License #30232 DOB 05/02/59

Issue: Termination of Stipulation and Final Agency Order

Outcome: On April 18, 2002, the Board terminated Respondent's Stipulation and Final Agency Order, finding that Respondent has successfully completed all terms and conditions of the Order. Respondent's medical license is returned to an active, unrestricted status.

Edward F. Urbanik, M.D., Scottsdale, AZ License #33347 DOB 04/20/51

Issue: License placed on an inactivate status

Outcome: Stipulation and Final Agency Order approved April 11, 2002 placing Respondent's medical license on an inactivate status and agreement to allow license to lapse at the end of the licensing renewal period. This action does not constitute discipline.

James R. Valenzuela, M.D., Pueblo, CO License #35652 DOB 09/21/55

Issue: Improper prescribing practices

Outcome: Letter of Admonition issued by Inquiry Panel A on September 12, 2002, based upon Respondent's improper prescribing of controlled

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DISCIPLINARY ACTIONS TAKEN BY THE BOARD

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substances. The LOA is open for public inspection and reported as required by law.

Sam Wallace, D.O., Missoula, MT License #36394 DOB 6/28/71

Issue: Failure to meet generally accepted standards of medical practice.

Outcome: Letter of Admonition issued on January 10, 2002 for Respondent's failure to document vital signs and a physical examination regarding his care and treatment of a patient. The Letter of Admonition is open to public inspection and reported as required by law.

Saul F. Weinstein, M.D., Anaconda, MT License #38974 DOB 01/03/38

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued to Respondent by Inquiry Panel B on May 17, 2002, based upon rendering medical care and treatment to two patients that fell below generally accepted standards of medical practice, constituting unprofessional conduct as set forth in section 12-36-117, C.R.S. The LOA is open for public inspection and reported as required by law.

Gary Neal Weiss, M.D., Westcliffe, CO License #28531 DOB 07/12/52

Issue: Revocation of medical license

Outcome: Final Board Order approved by Hearings Panel A on June 13, 2002, revoking Respondent's Colorado medical license for failure to fully comply with a valid Board Order. The Order is open for public inspection and reported as required by law.

Patrick L. Wherry, M.D., Longmont, CO License #24802 DOB 05/28/51

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on September 19, 2002, whereby Respondent accepted a Letter of Admonition for failing to meet generally accepted standards of medical practice in the care and treatment of a patient. Respondent is required to successfully complete continuing medical educa-

tion activities. The Order is open for public inspection and reported as required by law.

Patrick L. Wherry, M.D., Longmont, CO License #24802 DOB 05/28/51

Issue: Termination of Stipulation and Final Agency Order

Outcome: Effective November 15, 2002, Respondent's medical license was restored to an active, unrestricted status finding that Respondent successfully completed all terms and conditions of the Stipulation and Final Agency Order.

Marc D. Wolach, M.D., Greeley, CO License #29885 DOB 1/04/56

Issue: Suspension vacated.

Outcome: Stipulation and Final Agency Order approved on February 13, 2002 vacating the Order of Summary Suspension dated May 21, 2001. Respondent's medical license is placed on a five-year period of probation. During the probationary period, Respondent shall receive treatment monitoring through CPHP for management of narcolepsy and use of medication to control his narcolepsy. The Order is open for public inspection and reported as required by law.

Marc D. Wolach, III, M.D., Greeley, CO License #29885 DOB 1/04/56

Issue: Failure to comply with a Board Order dated February 13, 2002.

Outcome: On March 14, 2002, the Board issued an Order of Summary Suspension pursuant to section 12-36-118(5)(g)(IV) suspending Respondent's medical license indefinitely for failing to comply with his treatment plan through the Colorado Physician Health Program as mandated in the Stipulation and Final Agency Order. The Order of Summary Suspension is open for public inspection and reported as required by law.

Jay Wolkov, D.O., Gunnison, CO License #18278 DOB 03/12/46

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Letter of Admonition (LOA) issued by Inquiry Panel B on September 19, 2002, based upon Respondent's failure to meet generally accepted standards of practice in the medical care and treatment of a patient. The LOA is open

for public inspection and is reported as required by law.

Bob Stanton Worley, M.D., Denver, CO License #24312 DOB 08/27/50

Issue: Failure to meet generally accepted standards of medical practice

Outcome: Stipulation and Final Agency Order approved by Inquiry Panel B on September 19, 2002, placing Respondent medical license on a five-year probationary period with practice monitoring and a requirement to undergo an educational assessment and evaluation. The Order is open for public inspection and reported as required by law.

Laura N. Yeh-Barrios, M.D., Highlands Ranch, CO License #40640 DOB 09/11/65

Issue: Practice restriction

Outcome: Stipulation and Final Agency Order approved by Inquiry Panel A on June 13, 2002, granting applicant a limited license for at least six months to practice medicine only at Rose Pediatrics with monitoring on all patients to confirm that appropriate, adequate care has been rendered. The Order is open for public inspection and reported as required by law.

Flora Yeh-Barrios, M.D., Highlands Ranch, CO License #40640 DOB 09/11/65

Issue: Termination of Stipulation and Final Agency Order

Outcome: Effective December 12, 2002, Inquiry Panel A granted Respondent a full and unrestricted medical license finding that Respondent successfully completed all terms and conditions of the June 13, 2002 Stipulation and Final Agency Order.

Luithuk Zimik, M.D., Brighton, CO License #21490 DOB 04/02/39

Issue: Permanent surrender of medical license

Outcome: Second Stipulation and Final Agency Order approved by Inquiry Panel B on August 16, 2002, whereby Respondent voluntarily surrendered his Colorado medical license. The Order is open for public inspection and is reported as required by law.

The city listed is considered the preferred mailing address. This may not necessarily reflect the current city of practice. ■

Formal Complaints

The following Formal Complaints were filed with the State Medical Board since January 1, 2002, regarding the licensees listed below:

A Formal Complaint is the document filed with the Administrative Law Judge by the Agency's attorney that sets forth the charges being made against the licensee by the Agency and the provisions of the law the Agency believes it can prove that the licensee violated.

Explanation of alleged violations:

12-36-117(1)

Unprofessional conduct as used in this article means:

- (p) Any act or omission which fails to meet generally accepted standards of medical practice;
- (cc) Falsifying or repeatedly making incorrect essential entries or repeatedly failing to make essential entries on patient records; ■

NAME	LICENSE #	DATE FILED	CITY OF RECORD	ALLEGED STATUTORY VIOLATION
Jerald L. Sisk, M.D.	18251	7/30/02	Brighton, CO	12-36-117(1)(p)(cc)
Karl J. Stecher, M.D.	18256	11/22/02	Greenwood Village, CO	12-36-117(1)(p)
Bernard J. Powers, M.D.	28046	12/31/02	Norristown, PA	12-36-117(1)(p)(cc)

Help, I've Just Been Issued An LOC!

What is a confidential Letter Of Concern?

Upon completion of an investigation of a complaint the inquiry panel may find that the investigation discloses conduct that does not warrant the commencement of formal action by the board and should be dismissed, however, the inquiry panel has noticed possible conduct by the physician or physician assistant that could lead to serious consequences if not corrected. In such instances, the inquiry panel may send the licensee a nondisciplinary and confidential **Letter Of Concern (LOC)** pursuant to section 12-36-118(4)(c)(II.5) of the

Colorado Medical Practice Act. The confidential letter of concern advises the physician that there is insufficient evidence to support formal action, but the inquiry panel believes the licensee should consider modifying or eliminating certain practices, because the continuation of such activities that led to the complaint may result in the case being reopened if future complaints are received indicative of a problem of questionable conduct. The letter of concern is confidential and not made available to the public.

A physician or physician assistant who receives a letter of concern dismissing a

complaint should be aware that the letter is confidential and not released to the public or reported to entities as an adverse action. The letter of concern does remain on file with the board for five years and may be reopened in the future if there appears to be a pattern of questionable conduct or care. Licensees who wish to respond to a letter of concern may certainly do so, but the Board considers the matter closed and generally will not reconsider the case. However, any additional information provided by the physician or physician assistant will be made a permanent part of the case file. ■

Physician Owned And Operated Spa Facilities Are On The Rise In Colorado

Consumers have complained that they were solicited by spa facilities, often not identified as belonging to physicians, with information that could only have been obtained from their own medical records.

Promotion to patients of health related services by physicians who do not identify themselves as owners/providers of such services is the subject of federal legislation, the so-called "Stark Laws." Absent a clear benefit in terms of cost savings to the patient, such activities have been deemed illegal. In addition, the use of a patient's

medical records for commercial purposes is clearly forbidden under the new HIPPA regulations.

The BME has addressed revenue-enhancing activities, such as the sale of prescription and over-the-counter medications from physician's offices, as well as advertising by physicians, in a manner that seeks to protect the public from unethical behavior.

It is incumbent upon physicians to remain cognizant of the influence that

they, wittingly or unwittingly, exert on their patients.

Abuse of the physician-patient relationship is construed as unprofessional conduct by the Medical Practice Act of the state of Colorado. Such abuse is clearly defined in the realm of boundary violations between physician and patient. Potentially abusive physician-patient interactions that are not defined as specifically are, nonetheless, to be avoided by ethical practitioners of medicine in our state. ■

Time To Renew Your Physician License

All Colorado ACTIVE and INACTIVE physician licenses will expire May 31, 2003. Board Policy 20-10 allows for a 60-day grace period in which to renew your license. You may renew your license until July 31, 2003, without penalty. No physician licenses will be lapsed for non-renewal until July 31, 2003.

Renewal notices will be mailed approximately April 1, 2003 to the preferred mailing address of the licensee.

Please be advised that before your renewal will be considered complete and a new license sent to you the Board staff must receive a fully completed, mandato-

ry, renewal questionnaire and correct payment.

If you lose your renewal form or questionnaire, you may request a duplicate via e-mail to danise.hayes@dora.state.co.us or by phone at (303) 894-7690. ■

Changing Your Address Of Record

Pursuant to Colorado law, the preferred mailing address of any licensee or applicant is considered public information, and therefore, available to the public. The preferred designated mailing address is used to mail all licenses, renewal notices and other official correspondence from the Board.

If you are concerned about your priva-

cy, you may wish to use a business address or a post office box as your preferred mailing address.

If you are making an address change, you must do so in writing. This request should contain your name, license number and your new address. You should indicate if this is a home or business and whether this is your designated preferred

address. You may either mail this change to the board, fax to the board at (303) 894-7692 or e-mail to wilma.hadley@dora.state.co.us.

To insure your renewal notice is mailed to the correct address, your address change must be received at the Board office no later than MARCH 1, 2003. ■

Colorado Now Requires License For A Physician In A Training Program

Effective August 7, 2002, all physicians participating in an internship, residency or fellowship, are required to hold a physician training license or an active Colorado Medical License. Upon notification to the Colorado Medical Board from the training program of acceptance into the training program, the applicant will have 60 days to complete and submit a training application.

This license is only valid for the training program designated on the application. Should the physician wish to practice outside the designated training program, he or she must apply and obtain approval for a full medical license. ■

The Colorado Board of Medical Examiners

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