



THE EXAMINER

The Newsletter of the Colorado Board of Medical Examiners
Volume 15, Number 1
May 2007

State of Colorado Bill Ritter, Jr., Governor
Department of Regulatory Agencies D. Rico Munn, Executive Director
Division of Registrations Rosemary McCool, Director

PAIN MANAGEMENT

By Ned Calonge, M.D., M.P.H.,
President, Colorado Board of Medical Examiners

Last year, the Board observed an increase in the number of cases involving the care and treatment of chronic pain patients. The Board's position is that all physicians should be knowledgeable about the evaluation and treatment of acute and chronic pain. However, we are concerned that physicians who may not have the appropriate expertise are treating complex and difficult patients, resulting in care issues coming to the Board's attention.

Board Policy 10-14 (found on the Internet at www.dora.state.co.us/medical/policies/10-14.pdf) explains the Board's approach to reviewing cases regarding pain management, and includes guidelines for providing care based on guidance from the national model policy developed by the Federation of State Medical Boards.

Summarizing the main points of the guidelines:

1. Patient evaluation should include a history and physical with specific attention to the patient's pain complaints, current and past treatments, underlying or coexisting diseases or conditions, effect of pain on function, and history of substance abuse.
2. Treatment plans should state outcome objectives and plans for further evaluation and treatment, and drug therapy should be adjusted to meet individual patient needs. Additional treatment modalities or rehab may be necessary depending on pain etiology and extent of impairment.
3. There should be an indication of a discussion of risks and benefits of treatment and informed consent. A written agreement should be considered for patients with a history

DID YOU KNOW....

...The Board offers suggestions regarding **professionalism in your practice**? See article on page 2.

...The Board has a policy regarding **Internet prescribing**? See article on page 6.

...The Board has adopted rules regarding the **Supervision of Distinguished Foreign Teaching Physicians**? See article on page 6.

...Physician **license renewals in 2007** will be processed electronically? See article on page 7.

...**PA assessments** are not required to be routinely submitted to the Board? See article on page 14.

...The Board has elected **new officers**? See article on page 15.

of abuse or otherwise at high risk for abuse (the Board has a sample patient contract for using opioid pain medication on the Internet at www.dora.state.co.us/Medical/policies/10-14SampleContract.doc), and patients should receive prescriptions from a single physician and pharmacy when possible.

4. The physician should periodically review the course of treatment and the patient's health, and continuation or medication of treatment should depend on the assessment of progress towards treatment objectives. Objective evidence of treatment outcomes and information from family

(Continued on page 2)

RULE 800

by Patrick Faricy, MD, President-elect,
Colorado Board of Medical Examiners

Once again, the Board is considering revising Rule 800. Several articles have appeared in the Examiner regarding this rule, but the Board finds itself continuing to deal with physicians regarding misapplication of the rule.

The original intent was to allow a physician to extend his or her ability to provide care through delegation to non-physicians with the appropriate training and supervision. As an example, in my own practice, this permits me to delegate to medical assistants protocol driven management of urinary retention monitored with post void residual ultrasound. It also allows me to have these assistants instill BCG into the bladder for treatment of bladder cancer,

again using strict protocols. The patient is treated in our office, has had initial evaluation and treatment by me, and has a current medical record. There is no doubt in anyone's mind that a distinct doctor-patient relationship exists. Rule 800 allows for off-site management of similar non-judgmental care provided the physician is no more than 30 minutes away.

Now it seems Rule 800 is being inappropriately used to provide medical services which are not in the context of an established doctor-patient relationship. The most common situation of concern is in physicians extending their practices into commercial areas, such as medical spas and advanced esthetic services where lasers and pulse light devices are in wide use. This is usually in the context of a physician being designated as a "medical director." In many instances, not only does

the physician have little knowledge of the treatment device, but also has scant information as to the training and experience of those providing the treatment. There is usually no relationship between the medical director and the person receiving treatment. Similar oversight relationships are becoming more popular in such fields as vein and hemorrhoid treatment, tattoo removal, and lipo dissolve therapies.

In the interest of public protection, the Board plans to more closely regulate the relationship between medical directors and spa owners. Written agreements will be developed to codify this. Other states are obviously dealing with this problem and we are in the process of reviewing their policies. We will be scheduling a rulemaking hearing in the near future and welcome your comments.

PROFESSIONALISM AND THE BOARD OF MEDICAL EXAMINERS

By Jandel T. Allen-Davis, MD, Member, Colorado State Board of Medical Examiners

“Medicine bridges the gap between science and society. Indeed, the application of scientific knowledge to human health is a crucial aspect of clinical practice. Doctors are one important agent through which that scientific understanding is expressed. But medicine is more than the sum of our knowledge about disease. Medicine concerns the experiences, feelings, and interpretations of human beings in often extraordinary moments of fear, anxiety, and doubt. In this extremely vulnerable position, it is medical professionalism that underpins the trust the public has in doctors.”¹

“Some lessons are relearned, and the dissonance I felt recognizing my own judgments made me turn to something I dedicated myself to decades ago, but which has assumed a subliminal role in my increasingly complex life, the Oath of Maimonides. ‘May I never see in the patient anything but a fellow creature in pain,’ Maimonides wrote. The innate rightness of that statement, with its reminder of the sacred covenant being face-to-face with a fellow human in need invokes, makes judgment beyond the biomedical not only unnecessary but inappropriate.”²

Despite the rapid and disturbing changes in American health care and its delivery, medicine still remains a “sacred contract” between a patient and their caregiver. While “caregiver” may be defined in many ways, including a hospital, provider, and system, at its most fundamental level, patients view that most sacred of relationships as the one that exists between the physician and the patient. Amidst the confusion of medical commercialism, health care policy, health care financing, personal responsibility, and the alphabet soup of health insurance options is the essential need of patients to connect to physicians in the healing relationship. What a quagmire that can be for patients and physicians! The level of noise that surrounds us can be deafening and can make it difficult to remember a basic assumption about the healing relationship: foundational to the doctor patient relationship is the notion of trust, and that trust is borne of professionalism.

Given the challenges of practicing medicine in today’s climate, it should be no surprise that there has been a marked increase in the number of articles written about professionalism, with fewer than five articles covering the subject having been published in 1964 to well over 270 articles in 2006. The perceived decline in medical professionalism is thought to be attributable to changing priorities of younger physicians (i.e., less emphasis on our obligation to the patient and society, and more on personal needs and fulfillment), and the current realities that confront physicians practicing medicine regardless of age.^{3,4}

Organized medicine has attempted to elevate the importance of professionalism and our role in promoting it. The American Board of Internal Medicine, the American College of Physicians-American Society of Internal Medicine and the European Federation of Internal Medicine developed a physician charter that defined the principles of professionalism. The charter is

based on three fundamental principles: the primacy of patient welfare, patient autonomy, and social justice (this last purports that physicians should promote a fair distribution of health care resources). The charter asserts that we must commit to a set of responsibilities that include professional competence, honesty with patients, patient confidentiality, maintaining appropriate relationships with patients, improving quality of care, improving access to care, distribution of finite resources, promotion of scientific knowledge, maintenance of trust by managing conflicts of interest, and finally committing to professional responsibilities (including self-regulation and oversight).⁵

In an effort to prepare today’s physicians in training for clinical practice, the Accreditation Council for Graduate Medical Education requires residencies to focus attention on medical professionalism in their curriculum and has 16 separate modules to assist residencies in teaching the topic.⁶ While this

(Continued on page 3)

PAIN MANAGEMENT (continued from page 1)

members or other caregivers should be considered, and if progress is unsatisfactory, the physician should reassess the appropriateness of the current treatment plan and consider other modalities.

5. The physician should refer patients as necessary in order to achieve treatment objectives, and pay special attention to those patients who are at risk for misuse or diversion. The management of patients with co-morbid psychiatric issues or history of substance abuse may require extra care and monitoring as well as consultation with or referral to an expert in pain management.

6. The medical record for chronic pain patients should document all the relevant issues regarding evaluation and treatment as outlined above, including documentation of the presence of one or more recognized medical indications for the use of a controlled substance.

7. The physician must be aware of and maintain compliance with federal and state regulations regarding the use of controlled substances (refer to the Practitioner’s Manual, 2006 of the U.S. Drug Enforcement Administration, found on the Internet at www.dea diversion.usdoj.gov/pubs/manuals/pract/index.html).

The Colorado Pain Consortium has developed a half-day introductory workshop, *Making Pain Primary*, which covers basic concepts of pain management for physicians. There is a workshop scheduled for June 8, 2007 in Denver, which also provides physicians covered by COPIC with two Experience Rating System (ERS) Points. Information is available on the Internet at: www.callcopic.com/making-pain-primary-workshop.

(Continued from page 2)

formal curriculum allows focus on professionalism, most physicians “know it when they see it.” In fact, when residents were asked to rate the behavior of outstanding faculty, they cited listening, trustworthiness, demonstrating respect, and answering questions directly as outstanding examples of professionalism. Those behaviors that residents deemed as “not outstanding” included poor relationships with other professionals, lacking awareness of their own limitations, and being less willing to seek and accept constructive feedback.⁷

What, then, is medical professionalism? It is most often considered as a set of virtues, including altruism, honesty, integrity and compassion.³ Swick^{8,9} has proposed a commonly accepted normative definition. The professional behaviors of physicians should include the following:

- Subordinate their own interest for the interest of others
- Adhere to high ethical and moral standards
- Respond to societal needs, and their behaviors reflect a social contract with the communities served
- Evince core humanistic values, including honesty and integrity, caring and compassion, altruism and empathy, respect for others and trustworthiness
- Exercise accountability for themselves and for their colleagues
- Demonstrate a continuing commitment to excellence
- Exhibit a commitment to scholarship and to advancing their field
- Deal with high levels of complexity and uncertainty, exercise independent judgment to make appropriate decisions in the face of complex and often unstable circumstances (usually with incomplete information)
- Reflect upon their actions and decisions

In order to further elucidate the humanistic attitudes of physicians, Linn¹⁰ has suggested the following:

- Cooperation with medical colleagues
- Cooperation with paramedical staff
- Has a good physician-patient relationship
- Renders comfort and empathy
- Involves patients in decisions
- Considers patients’ concerns
- Puts patient at ease and renders comfort
- Admits one’s own errors

Medical boards see the impact of a lack of professionalism in the detail of many complaints, lawsuits, and licensure issues. When disciplinary actions taken by the Oklahoma Board of Medical Licensure and Supervision were evaluated, most of the complaints involved issues related to quality of care, prescribing issues, incompetence and negligence.¹¹ Teherani looked at medical school behavior and subsequent disciplinary actions by the Texas Medical Board. The author found that those students whose behavior fell into the domains of poor reliability and responsibility, lack of self-improvement and adaptability, and poor initiative and motivation were more likely to be disciplined.¹²

While a majority of the complaints the Colorado Board of Medical Examiners evaluates are dismissed, there are themes that arise that are relevant to the topic of professionalism, even in those cases that *are* dismissed. In poring over hundreds of pages of information, the question becomes, “What suggestions regarding professionalism can we pass onto our colleagues across the state that might assist in avoiding complaints or at least help in the process of evaluating complaints?” Here is a partial list.

1. Represent yourself to the Board or to your local hospital committees with honesty and integrity.

The consequences of failing to be honest in licensure and credentialing, let alone in clinical care (i.e., falsifying medical records), can present significant difficulties for the physician.¹³ Additionally, we have an obligation to update our mailing information. This becomes extremely important in assuring that you receive information about re-licensure, as delays in doing so can result in practicing with a lapsed license. When letters are sent to physicians requesting information in response to a complaint, they must be answered within 30 days of receipt; failure to do so can result in public admonition. The most common reason for a failure to respond to the Board’s request in this case is that the letter never reached the physician because mailing information was not accurate. Physicians can update their information online or get information regarding other ways to update their address at www.doradls.state.co.us.

2. Answer requests for information from the Board in a professional and forthright manner.

The role of the Medical Board is public protection and most complaints (>80%) are dismissed without any action, as they are not violations of the Medical Practice Act. While it might seem like a hassle to have to respond to complaints filed with the Board that are perhaps groundless, the contents of your response and the tone in which it is delivered are essential to our ability to adequately and fairly address complaints.

3. Manage any and all business practices, especially those involving non-physicians and extenders, according to the Colorado statutes and Board rules and policies.

In an effort to maintain and even increase earnings, many physicians become involved in business arrangements with non-physicians. It is essential that those choosing to do so understand the requirements for delegation of medical services to non-medical providers as described in Board Rule 800.¹⁴ Moreover, as more physicians become involved in specialty hospitals and other business arrangements, adhering to principles of professionalism in the conduct of those businesses becomes crucial to maintaining the profession’s sense of integrity and ethics.

4. Participate in clinical quality and patient safety activities in your local hospitals, medical practices, medical societies, and legislature.

If medicine is to be transformed per the Institute of Medicine’s (IOM) six dimensions of quality, physicians must be at the center of this change. Involvement in the improvement of medicine is core to professionalism. The six dimen-

(Continued on page 4)

(Continued from page 3)

sions that the IOM promotes are that health care must be safe, timely, efficient, effective, equitable, and patient-centered. Addressing these issues is critical to reducing the waste in the system and making health care more affordable.¹⁵

5. Treat peers and non-physician members of the health care team with respect and with a high regard for the talents, skills, and perspectives they bring to the care of our patients.

6. Maintain excellent relationships with your patients and respect professional and personal boundaries.

7. Recognize your own limits and make sure that self-care is at the top of your list of priorities.

In considering the many needs of our patients, physicians frequently neglect their own health. The physician culture does not support or respect the notion of personal boundaries. However, patients deserve and clinical care requires whole and healthy caregivers. Physicians have a responsibility to care for themselves and their colleagues who may not be operating at maximum health, no matter how difficult addressing these issues might be. The old adage, "Doctor, heal thyself" becomes more difficult given the system's current demands, and yet it is those demands that require physicians who are whole and healthy.

Professionalism is needed today in medicine, perhaps more now than at any other time. If physicians are to carry out the myriad of responsibilities confronting them today, it is critical that medicine be delivered following the principles and values inherent in professionalism.

References:

1. Working Party of the Royal College of Physicians. Doctors in society. Medical professionalism in a changing world. *Clin Med*. 2005 Nov-Dec;5(6 Suppl 1):S5-40.
2. Hergott L. The importance of the right heart. *JAMA*. 2007 Feb; 297(5), 447-8.
3. Smith, LG. Medical professionalism and the generation gap. *Amn J Med*. 2005 April;18(4):439-42.
4. Pellegrino, ED. Professionalism: Can it, should it survive? *J Am Board Fam Pract*. 2000. 13(2):147-9.
5. ABIM Foundation, ACP-ASIM Foundation, and European Federation of Internal Medicine. Medical professionalism in the new millennium: a physician charter. *Ann Int Med*. 2002 February;136(3):243-246.
6. ACGME Outcomes Project. www.acgme.org/outcome/assess/profIndex.asp
7. Ephgrave, K. et al. The resident view of professionalism behavior frequency in outstanding and "not outstanding" faculty. 2006. *Amn J of Surg*. 2006 May;191(5):701-5.
8. Swick, HM. Toward a normative definition of medical professionalism. *Acad Med*. 2000;75:612-6.
9. Edelstein, SB, Stevenson, JM, and Broad, K. Teaching professionalism during anesthesiology training. *J Clin Anes*. 2005 Aug;17(5):392-398.
10. Linn, LS, et al. Measuring physician's humanistic attitudes, values and behaviors. *Med Care*. 1987;25:504-15.
11. Khaliq A et al. Disciplinary action against physicians: who is likely to get disciplined? *Amn J Med*. 2005 July;118(7):773-7.
12. Cardarelli R. Factors associated with high-severity disciplinary action by a state medical board: a Texas study of medical license revocation. *J Am Osteopath Assoc*. 2006 Mar; 106(3): 153-6.
13. Hara, C. Be honest with the board. *The Examiner*. 2006 October. 14(2). www.dora.state.co.us/medical/forms/Examiner1006.pdf
14. Calonge, N. Supervision of delegated medical functions. *The Examiner*. 2005 February; 13(1). www.dora.state.co.us/medical/forms/Examiner0205.pdf
15. Allen-Davis, J. Whether 30 Safe Practices or The National Patient Safety Goals: It's About the System! *The Examiner*. 2006 October; 14(2):2-5. www.dora.state.co.us/medical/forms/Examiner1006.pdf

PITFALLS OF PRACTICE

Common Areas of Complaints to the Board

by Cheryl Hara, Program Director, Colorado Board of Medical Examiners

Not infrequently, complaints come to the Board of Medical Examiners ("Board") involving the discharge of patients from practice and the provision of medical records to patients. Such complaints are frustrating to patients, physicians and the Board. In addition, a number of physicians have failed to update their address of record with the Board. Complying with rules and standards in these areas are important principles of practice. Failing to follow these principles may result in your receipt of a letter of complaint from the Board and may subject you to potential discipline. Below is an outline of Board policies that may provide you assistance in preventing complaints being filed with the Board.

REQUESTS FOR MEDICAL RECORDS

(See www.dora.state.co.us/medical/policies/40-07.pdf and www.dora.state.co.us/medical/policies/40-08.pdf for further information.)

It is important to remember that a patient's failure to pay an outstanding bill, follow treatment instructions, or return for follow-up care are not reasons for you to deny a patient access to his/her medical records. If a patient does not pay the copying fee, at a minimum, you must make the records available to the patient for inspection or otherwise provide access.

Obtain a dated written authorization/request identifying the patient and signed by the patient or the patient's authorized representative.

Provide the release of records within 30 days except where a medical urgency requires a more prompt response to prevent a delay in ongoing treatment.

Items such as x-rays, fetal monitor strips and electrocardiograms are part of the medical record. If these are specifically requested, they must be copied and provided to the patient.

You may charge a reasonable fee for copying of records and may ask for payment in advance. Reasonable guidelines for cost are set forth in the Colorado Department of Public Health and Environment website at www.cdphe.state.co.us.

5.2.3.4 The discharged patient or representative shall pay for the reasonable cost of obtaining a copy of his/her patient record, not to exceed \$14.00 for the first ten or fewer pages, \$.50 per page for pages 11-40, and \$.33 per page for every additional page. Actual postage or shipping costs and applicable sales tax, if any, also may be charged. The per page fee for records copied from microfilm shall be \$1.50 per page. No fees shall be charged by a health care provider of patient records for requests for medical records received from another health care provider or to an individual regulated pursuant to Section 25-1-802(1) solely for the purpose of providing continuing medical care to a patient.

When a patient is transferring care to another physician, it is customary to provide copies of records to another physician's office free of charge.

Retain records for at least seven years after the last date of treatment and a minimum of seven years after a patient reaches the age of 18. In case of litigation or a Board investigation, maintain records until resolution of the matter. Protect patient confidentiality when destroying records.

If you discontinue your practice, notify patients and instruct them to submit a written authorization/release for records. At a minimum, send letters to patients seen within the last three years, notifying them of the cessation of your practice. Placing a newspaper announcement may be helpful. Notify patients if all records are being transferred to another physician.

It is important to remember that the Board policies regarding record-keeping do not supersede state and federal law. Physicians must provide patient records in compliance with those laws. The Board advises physicians to contact their medical liability insurance carrier regarding any guidelines it may have for record release. For example, there may be state and federal restrictions or requirements that apply to your release of records.

DISCHARGING A PATIENT FROM YOUR PRACTICE

(See www.dora.state.co.us/medical/policies/40.02.pdf and www.dora.state.co.us/medical/policies/40.08.pdf for further information.)

Send written notification of discharge via certified mail to the patient. In the written notice: (1) agree to provide 15-30 days of provisional coverage to the patient; (2) inform the patient that patient records will be sent to the patient's new physician upon receipt of written authorization from the patient; and (3) if possible, provide referral information to assist the patient in finding a new physician.

If you close your practice, provide reasonable advance notice, preferably by letter, and explain the following:

1. the changes that will occur and the date of final practice;
2. where medical records will be stored and method of accessing;
3. how to reach practitioner(s) remaining in the practice;
4. that the patient has the choice of health care providers.

Provide good continuity of care, including preserving and maintaining confidential medical records and providing appropriate patient access to the records. Good continuity of care may involve making appropriate referrals. Do not abandon your patients. You continue to have obligations towards them during and after departure from or closure of a medical practice. No practitioner or other party that may be involved should interfere with the fulfillment of these obligations. Practitioners should not put themselves in a position where they cannot meet their obligations. The above policies provide additional information regarding notifying other parties.

(Continued on page 6)

PITFALLS OF PRACTICE *(continued from page 5)*

CHANGE OF ADDRESS

(See www.dora.state.co.us/medical/rules/270.pdf for additional information.)

Your mailing address for the Board is the one identified on your initial application for licensure. You must update your address with the Board within 30 days of the effective date of the new address.

It is your responsibility to keep your address and contact information up-to-date in our records. All letters, renewal notices, and licenses are mailed to the last known address of record. If your address is not kept current, it is possible you will not receive important documents and other notifications.



You can change your address online at any time by using Registrations Online Services:

www.doradls.state.co.us

RULEMAKING IN 2006

The Colorado Board of Medical Examiners adopted rules for The Licensure and Supervision of Distinguished Foreign Teaching Physicians (Rule 140), and revised rules for The Delegation and Supervision of Medical Services to Unlicensed Health Care Providers (Rule 800).

Supervision of Distinguished Foreign Teaching Physicians (Rule 140)

These rules have been newly adopted by the State Board of Medical Examiners to specify standards related to the qualification and supervision of distinguished foreign teaching physicians.

These rules pertain to 12-36-107 (3), C.R.S. That section states: A physician of noteworthy and recognized professional attainment who is a graduate of a foreign medical school and who is licensed in a foreign jurisdiction, if that jurisdiction has a licensing procedure, may be granted a distinguished foreign teaching physician license to practice medicine in this state if all conditions set forth in the Medical Practice Act and these rules are met.

The Delegation and Supervision of Medical Services to Unlicensed Health Care Providers (Rule 800)

Rule 800 was revised in May 2006 to clarify 12-36-106 C.R.S. Specifically, section E, involving identification of authority to act, and section F, regarding unlicensed practice of medicine, were revised. It is anticipated that additional rulemaking regarding Rule 800 will occur in 2007.

Section 12-36-106(3)(l) C.R.S. reads as follows: Under the personal and responsible direction and supervision of a person licensed under the laws of this State to practice medicine, a license to practice medicine is not required for the rendering of services, other than the prescribing of drugs, by persons qualified by experience, education, or training. Nothing in this exemption, however, 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 has also adopted revisions to the following:

- **Rule 120** — Rules and Regulations Relating to the Demonstration of Continued Competency by Physician Applicants for Licensure, Reinstatement or Reactivation of a License;
- **Rule 130** — Rules and Regulations Regarding License Renewal Procedures;
- **Rule 400** — Rules and Regulations For Licensure of and Practice by Physician Assistants (PAs); and
- **Rule 500** — Rules Defining the Duties and Responsibilities of Emergency Medical Services Medical Directors and the Authorized Medical Acts of Emergency Medical Technicians.

For a complete text of these and all rules pertaining to the practice of medicine in Colorado, visit our website at www.dora.state.co.us/medical and click on Statutes, Rules and Policies, or call (303) 894-7800 and request a copy be mailed to you.

NEW BOARD POLICIES

The Medical Board has revised several policies during 2006:

- **Board Policy 20-10** — Extension of Expiration date on renewing licenses
- **Board Policy 20-16** — Board Criteria to Identify Applications Which Require Board Review, and
- **Board Policy 40-9** — Guidelines for Prescribing for Unknown Patients.

These and all Board policies may be accessed online at www.dora.state.co.us/medical.

ONLINE LICENSE RENEWAL

Beginning January 2007, the Division of Registrations instituted an Online Renewal for all professional licenses. Approximately six (6) weeks prior to the expiration date of your license, you will receive a letter in the mail, with instructions on the process, confirming this information.

Benefits of Renewing Online

- **It is fast.** When you renew online, your renewal information is transmitted to the Division immediately and you should receive your new license **within 2 weeks**. Previously, when you renewed by mail, it took up to 4 weeks for your renewal application to be processed.
- **You can pay with a credit or debit card.** After making your online payment, you can even print a payment confirmation page. Previously, when you renewed by mail, you could only pay by check or money order and no payment confirmation was available.
- **It is convenient.** Renew your license anytime, 24 hours a day, 7 days a week.
- **It is secure.** We take your privacy and security seriously. Registrations Online Services uses the most up-to-date security technology to keep your confidential information secure.

PRACTICING ON AN INACTIVE OR LAPSED LICENSE

Practicing on an Inactive or Lapsed License is a Violation of the Medical Practice Act and is a Reportable Disciplinary Action.

If you have renewed your license in an inactive status, remember that you may not practice medicine with such a license. This includes but is not limited to prescribing medications for yourself or family members. Should you desire to reactivate your Colorado physician or physician assistant license at some future time, you will be required to complete the reactivation application and pay a reactivation fee. You should be aware that if you have not actively practiced medicine for two (2) years or more and then wish to reactivate your Colorado license, you will be required to demonstrate continued competence pursuant to Board Rule 120 or 410.

If you inadvertently allowed your license to lapse at the most recent renewal date, and you are continuing to practice, you are doing so in violation of the Medical Practice Act, which is a reportable disciplinary action. Further, your malpractice insurance carrier may not cover you during the period in which your license is lapsed. You should immediately cease practicing until your license has been reinstated to an active status.

Colorado law and Board Policy 20-10 allows physicians and physician assistants a 60-day extension in which to complete the renewal process of their licenses before the license is lapsed. If you renew during this grace period, you are subject to an additional \$15 late fee. All licenses remain active during the grace period and renewing your license during the grace period is NOT considered a violation of the Medical Practice Act.

If you find you have been practicing on a lapsed license and wish to reinstate the license, please contact Jan Seewald: jan.seewald@dora.state.co.us. You may download copies of the reinstatement application or the reactivation application at www.dora.state.co.us/medical.

BOARD ACTIONS—January to December 2006

On its website, the Board maintains a list of Board actions taken by the Colorado State Board of Medical Examiners for previous years. These actions may be accessed at www.dora.state.co.us/medical/MedBdMonthlyActions.pdf.

Documentation of Board actions may be obtained by visiting this website: www.dora.state.co.us/doraimages

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. **Such orders may be disciplinary or non-disciplinary in nature.**

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; a Hearings Panel of the Board reviews and then makes the final ruling regarding the appropriate sanction, which may then be reviewed by the Colorado Appellate Courts.

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 protecting 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 mental or physical examination.

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.

CPHP: Colorado Physician Health Program.

CPEP: Center for Personalized Education for Physicians.

The list does not represent all Board actions. Absent from this list are applicants denied initial licensure, reactivation or reinstatement either before or after a hearing.

The city listed is derived from the designated mailing address on file with the Board, and may not reflect the current city of practice.

Michael D. Aasen, M.D., Canon City, CO License #32022
On June 8, 2006, Licensing Panel A approved a Stipulation and Final Agency Order, which includes probation, practice monitoring, treatment monitoring and abstinence from addictive substances. The Order is open for public inspection and reported as required by law.

Joseph A. Anderson, M.D., Denver, CO License #14107
On September 14, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Anderson. The LOA is open for public inspection and reported as required by law.

Jennifer W. Arnold, M.D., Centennial, CO License #27751
On August 18, 2006, Inquiry Panel B approved the termination of the First 2001 and Second 2005 Stipulation and Final Agency Order; however, the permanent practice restriction remains of no obstetrics. This is not a disciplinary action.

Judy C. Baack, M.D., Lubbock, TX License #31755
On December 19, 2006, Inquiry Panel B approved a Stipulation for Interim Cessation of the Practice of Medicine effective on that date. The Order is open for public inspection and reported as required by law.

David R. Bacon, M.D., Denver, CO License #24614
On August 16, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Bacon. The LOA is open for public inspection and reported as required by law.

Robert R. Baptist, M.D., Colorado Springs, CO License #32294
On August 18, 2006, Inquiry Panel B approved the termination of the April 2000 Stipulation and Final Agency Order. This is not a disciplinary action.

David M. Baron, M.D., Pueblo, CO License #35301
On June 26, 2006, a Formal Complaint was filed with the Office of Administrative Courts. The Formal Complaint is open for public inspection.

Robert B. Baumgartner, M.D., La Junta, CO License #14588
On April 13, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to a Letter of Admonition and a practice restriction that he cannot be a primary surgeon. This Stipulation is open for public inspection and is reported as required by law.

Susan M. Beck, M.D., Fort Collins, CO License #33652
On August 16, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Beck. The LOA is open for public inspection and reported as required by law.

James L. Benoist, M.D., Englewood, CO License #30484
On November 3, 2006, Inquiry Panel A issued an Amended Order of Suspension from the Practice of Medicine pursuant to section 24-4-104(4). The Order is open for public inspection and reported as required by law. On November 15, 2006, Inquiry Panel A approved a Stipulation for Interim Cessation of the Practice of Medicine and on that same date issued an Order to Vacate Suspension. The Orders are open for public inspection and reported as required by law.

Katherine L. Beville, M.D., Fort Collins, CO License #31175
On October 19, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order whereby Respondent agreed to inactivate her Colorado medical license. Respondent also agreed that if she reactivates her Colorado medical license, it will be placed on probation while she completes an education plan. The Order is open for public inspection and reported as required by law.

Henry H. Bible, M.D., Castle Rock, CO License #22394
On November 30, 2005 a Formal Complaint was filed with the Office of the Administrative Courts. The Formal Complaint is open for public inspection.

Henry H. Bible, Jr., Castle Rock, CO License #22393
On March 16, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to the imposition of a Letter of Admonition and conditions that he must complete prior to returning to the active practice of medicine in Colorado. This Stipulation is open for public inspection and is reported as required by law.

Robert G. Billerbeck, M.D., Kearney, NE License #44249
On January 12, 2006, Licensing Panel B approved a Licensing Agreement and Final Agency Order for a limited license to practice administrative medicine only. The Agreement is open for public inspection and reported as required by law. This is not a disciplinary action.

Walter C. Boardwine, M.D., Grand Junction, CO License #38203
On April 6, 2006, Licensing Panel A approved a Stipulation and Final Agency Order effective April 11, 2006 whereby Respondent was granted an unrestricted Colorado medical license and he agreed to annually submit facility privileging applications. The Stipulation is open for public inspection and reported as required by law.

Claude A. Brachfeld, M.D., Hutchinson, KS License #29553
On April 6, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order whereby Respondent agreed to a Letter of Admonition and eighteen months of additional reporting of all invasive/interventional cardiovascular proce-

(Continued on page 9)

BOARD ACTIONS—January to December 2006

(Continued from page 8)

dures he performs. This Stipulation is open for public inspection and is reported as required by law.

Scott A. Brandt, M.D., Greenwood Village, CO
License #36941

On April 6, 2006, Inquiry Panel A approved the termination of the November 2005 Interim Cessation Stipulation and Final Agency Order. This is not a disciplinary action.

Charlotte E. Brigham, M.D., Englewood, CO
License #34650

On January 12, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Brigham. The LOA is open for public inspection and is reported as required by law.

Craig L. Brooks., Castle Rock, CO
License #24899

On October 19, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Brooks. The LOA is open for public inspection and reported as required by law.

Amy E. Brown, M.D., Glenwood Springs, CO
License #40029

On December 14, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to Letter of Admonition and a fine. The Panel acknowledged that a boundaries course had already been completed. The Order is open for public inspection and reported as required by law.

Chester L. Burks, D.O., Aurora, CO
License #27067

On December 15, 2005, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Burks. The LOA is open for public inspection and is reported as required by law.

Allan S. Burnside, M.D., Dolores, CO
License #32885

On June 8, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Burnside. The LOA is open for public inspection and reported as required by law.

Richard R. Bury, M.D., Aurora, CO
License #23175

On December 14, 2006, Inquiry Panel B approved an Amended Second Stipulation and Final Agency Order to reactivate Respondent's license to complete an education plan as required in the Second Stipulation and Final Agency Order. The Amended Order is open for public inspection and reported as required by law.

Randall L. Bynum, M.D., Littleton, CO
License #39241

On June 15, 2006, the 2000 Stipulation and Final Agency Order was completed. This is not a disciplinary action.

Michael J. Carrizal, D.O., El Paso, TX
License #37987

On September 25, 2006, a Formal Complaint was filed with the Office of Administrative Courts. The Formal Complaint is open for public inspection.

Albert Celio, D.O., Broomfield, CO
License #27758

On January 20, 2006, a Formal Complaint was filed with the Office of Administrative Courts. The Formal Complaint is open for public inspection.

Albert Celio, D.O., Broomfield, CO
License #27758

On July 13, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order wherein Dr. Celio surrendered his license to practice medicine effective July 28, 2006.

Guy D. Clifton, M.D., Parker, CO
License #23895

On August 18, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Clifton. The LOA is open for public inspection and reported as required by law.

William L. Cluff, D.O., LaVeta, CO
License #30596

On January 5, 2006, Inquiry Panel A approved the termination of Dr. Cluff's 2001 Stipulation and Final Agency Order and his license is restored to an active, unrestricted status. This is not a disciplinary action.

Robert M. Conlon, M.D., Fort Collins, CO
License #15058

On October 26, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Conlon. The LOA is open for public inspection and reported as required by law.

Keith G. Cook, M.D., Brighton, CO
License #29364

On December 13, 2006, Inquiry Panel A approved the termination of Dr. Cook's Stipulation and Final Agency Order. This is not a disciplinary action.

Marcy Cooper, M.D., Louisville, CO
License #37992

On February 10, 2006, Inquiry Panel approved a Stipulation and Final Agency Order whereby Dr. Cooper has agreed to treatment monitoring and practice monitoring. The Stipulation is open for public inspection and is reported as required by law.

Francis A. Copeland, M.D., Denver, CO
License #21905

On March 9, 2006, Inquiry Panel A approved the termination of the 2001 Stipulation and Final Agency Order. This is not a disciplinary action.

Wallace F. Cox, M.D., Highlands Ranch, CO
License #44548

On April 24, 2006, Licensing Panel A approved a Stipulation and Final Agency Order whereby Respondent was granted a restricted license. Respondent may only practice non-procedural medicine and is restricted from participating in all forms of surgery. The Stipulation is open for public inspection and reported as required by law.

Franklin M. Crane, M.D., Craig, CO
License #41952

On May 30, 2006, Inquiry Panel A issued an Order of Suspension pursuant to section 12-36-118(9)(a), C.R.S., effective June 1, 2006. The Order is open for public inspection and reported as required by law.

Jimmie R. Crow, M.D., Colorado Springs, CO
License #40382

On January 5, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Crow. The LOA is open for public inspection and is reported as required by law.

Scott K. Cunningham, D.O., Denver, CO
License #30078

On August 16, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Cunningham. The LOA is open for public inspection and reported as required by law.

Brenda L. Czaban, M.D., Denver, CO
License #TL1716

On June 8, 2006, Licensing Panel A approved a Stipulation and Final Agency Order whereby Respondent agrees to probation and treatment monitoring. The Order is open for public inspection and reported as required by law.

William W. Dahlberg, M.D., Englewood, CO
License #16572

On March 9, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order whereby Respondent agreed to a Letter of Admonition and a requirement that he complete an educational program. The Stipulation is open for public inspection and is reported as required by law.

James Dailey Steamboat Springs, CO
Unlicensed

On April 10, 2006, an Order for Injunction and Judgment by Consent of the Parties was granted by Routt County District Court. Mr. Dailey agrees that he or under the name of that business will never engage in any act defined as the practice of medicine unless he becomes licensed in Colorado to do so. This action is open for public inspection and reported as required by law.

James E. Damon, M.D., Denver, CO
License #41905

On January 12, 2006, Inquiry Panel B approved the termination of Dr. Damon's 2004 Stipulation and Final Agency Order. The practice restrictions still remain in effect. This is not disciplinary action.

William R. Deagle, M.D., Halifax, Nova Scotia
License #33863

On May 23, 2006, a Formal Complaint was filed with the Office of Administrative Courts. The Formal Complaint is open for public inspection.

John Derisio, PA, Denver, CO
License PA #154

On October 19, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Mr. Derisio. The LOA is open for public inspection and reported as required by law.

Milton C. Dewhirst, M.D., Colorado Springs, CO
License #14353

On April 13, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Dewhirst. The LOA is open for public inspection and reported as required by law.

(Continued on page 10)

BOARD ACTIONS—January to December 2006

(Continued from page 9)

Larry L. Doehring, D.O., Northglenn, CO
License #21047

On March 9, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Doehring. The LOA is open for public inspection and reported as required by law.

Brian R. Donaldson, M.D., Healdsburg, CA
License #25379

On April 6, 2006, Inquiry Panel A issued an Order of Suspension pursuant to section 12-36-118 (9)(a), CRS effective April 10, 2006. The Order is open for public inspection and is reported as required by law.

James F. Elliott, P.A., Fort Collins, CO
License #825

On July 28, 2006, Inquiry Panel A issued an Order of Suspension from the Practice of Medicine pursuant to section 24-4-104(4), C.R.S., effective at 5:00 p.m. on that date. The Order is open for public inspection and reported as required by law.

James F. Elliott, P.A., Fort Collins, CO
License PA #825

On August 2, 2006, Inquiry Panel A issued a Stipulation for Interim Cessation of Practice. On August 2, 2006, Inquiry Panel A issued an Order to Vacate Suspension effective August 2, 2006. The Orders are open for public inspection and reported as required by law.

Mohammed Faseehuddin, M.D., Denver, CO
License #20694

On July 20, 2006, Inquiry Panel B issued a Stipulation for Interim Cessation of Practice effective July 21, 2006. The Stipulation is open for public inspection and is reported as required by law.

Jay B. Federhart, M.D., Denver, CO
License #36070

On November 17, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Federhart. The LOA is open for public inspection and reported as required by law.

Robert H. Fenster, D.O., Denver, CO
License #18125

On January 27, 2006, a Formal Complaint was filed with the Office of Administrative Courts. The Formal Complaint is open for public inspection.

Robert H. Fenster, D.O., Denver, CO
License #18125

On April 6, 2006, Inquiry Panel A approved a Second Stipulation and Final Agency Order whereby Respondent agreed to probation, completion of an education plan and treatment monitoring. The Stipulation is open for public inspection and is reported as required by law.

Lynn L. Fenton, M.D., Denver, CO
License #32723

On June 15, 2006, the 2004 Stipulation and Final Agency Order was completed. This is not a disciplinary action.

Lisa B. Ferstenberg, M.D., Pueblo, CO
License #29576

On February 10, 2006, Inquiry Panel B approved an Amended Licensing Agreement and Final Agency Order requiring the practice monitor to report quarterly rather than monthly. This is not a disciplinary action.

Conrad W. Fitz, D.O., Del Norte, CO
License #35322

On September 14, 2006, Inquiry Panel A issued an Order of Suspension from the Practice of Medicine effective September 18, 2006 at 5:00 p.m., pursuant to section 12-36-118(5)(g)(IV), CRS. The Order is open for public inspection and reported as required by law.



Marilynn F. Foelske, M.D., Colorado Springs, CO
License #25393

On October 19, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order, whereby Respondent agreed to probation, practice monitoring, treatment monitoring, and a restriction to practice only in a supervised practice setting, not in a solo practice setting. The Order is open for public inspection and reported as required by law.

Marilynn F. Foelske, M.D., Colorado Springs, CO
License #25393

On December 13, 2006, Inquiry Panel A issued an Order of Suspension Pursuant to 12-36-118 (5)(g)(IV), C.R.S. effective December 15, 2006 at 5:00 p.m. The Order is open for public inspection and reported as required by law.

Barry W. Frieder, M.D., Denver, CO
License #29005

On June 8, 2006, the 2002 Stipulation and Final Agency Order was completed. This is not a disciplinary action.

Robert M. Fromcheck, M.D., Littleton, CO
License #29180

On June 15, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order to complete an educational plan within one year. The Order is open for public inspection and reported as required by law.

Cynthia A. Gaminde-Haviland, M.D., Parker, CO
License #34840

On September 14, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Gaminde-Haviland. The LOA is open for public inspection and reported as required by law.

Wieslaw P. Gessner, M.D., Arvada, CO
License #32051

On November 17, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Gessner. The LOA is open for public inspection and reported as required by law.

Thomas B. Gordon, D.O., Golden, CO
License #32741

On September 14, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order, whereby Respondent agreed to a Letter of Admonition and conditions necessary to return to Colorado to practice medicine. The Order is open for public inspection and reported as required by law.

Charles B. Graves, M.D., Cortez, CO
License #36220

On March 16, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to probation, abstinence from addictive substances, treatment monitoring and practice monitoring. The Stipulation is open for public inspection and is reported as required by law.

Charles B. Graves, M.D., Cortez, CO
License #36220

On February 17, 2006, Inquiry Panel B issued a Stipulation for Interim Cessation of Practice effective on that date. The Stipulation is open for public inspection and is reported as required by law.

Jeffrey T. Gray, M.D., Napa CA
Lapsed License #32566

On March 16, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to surrender his Colorado medical license. The Stipulation is open for public inspection and is reported as required by law.

Deborah Green, M.D., Fort Lupton, CA
License #24133

On August 16, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Green. The LOA is open for public inspection and reported as required by law.

Robert C. Gross, D.O., Sterling Heights, MI
License #39274

On September 21, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order, whereby Respondent agreed to permanently inactivate his Colorado medical license. The Order is open for public inspection and reported as required by law.

Salwa Hanna, M.D., Arvada, CO
License #23307

On December 18, 2006, the Colorado Court of Appeals issued an order affirming the Final Board Order to deny Respondent's request to remove the practice restriction from her Colorado medical license. The Order is open for public inspection and is reported as required by law.

Noel S. Hermele, M.D., Morrison, CO
License #30383

On March 10, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to permanently inactivate his Colorado medical license, to never apply for re-activation in this state and to never apply for a

(Continued on page 11)

BOARD ACTIONS—January to December 2006

(Continued from page 10)

license in any other state. The Stipulation is open for public inspection and is reported as required by law.

Noel S. Hermele, M.D., Morrison, CO
License #30383

On February 14, 2006, Inquiry Panel B approved an Interim Stipulation for Cessation of Practice whereby Dr. Hermele agreed to cease practice effective February 14, 2006. The Stipulation is open for public inspection and is reported as required by law.

Anthony B. Hillenbrand, D.O., Boulder, CO
License #43018

On September 21, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Hillenbrand. The LOA is open for public inspection and reported as required by law.

Nancy W. Hooyman, M.D., Denver, CO
License #44453

On March 23, 2006, Licensing Panel A approved a Licensing Agreement and Final Agency Order to practice under a limited license to allow Respondent to participate in an education plan. The Agreement is open for public inspection and is reported as required by law. This is not a disciplinary action.

Jeffrey D. Huston, M.D., Denver, CO
License #24485

On September 21, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order, whereby Respondent agreed to probation, treatment monitoring, a documentation course and a Board approved communication course. The Order is open for public inspection and reported as required by law.

Robert C. Jacobs, M.D., Denver, CO
License #14578

On June 6, 2006, a Formal Complaint was filed with the Office of Administrative Courts. The Formal Complaint is open for public inspection.

Maria H. Javeed, M.D., Colorado Springs, CO
License #38764

On November 17, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order, whereby Respondent agreed to a Letter of Admonition and completion of a post education documentation course. The Order is open for public inspection and reported as required by law.

Ransy L. Jeffrey, M.D., Fort Collins, CO
License #16895

On November 15, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Jeffrey. The LOA is open for public inspection and reported as required by law.

William L. Jobe, M.D., Cherry Hills Village, CO
License #16604

On August 18, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Jobe. The LOA is open for public inspection and reported as required by law.

Charles B. Johnson, III, M.D., Westminster, CO
License #18651

On January 12, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Johnson. The

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

Byron D. Jones, M.D., Denver, CO
License #30302

On April 6, 2006, Inquiry Panel A approved a Stipulated Letter of Admonition. The Stipulation is open for public inspection and is reported as required by law.

Steven W. Jones, M.D., Greeley, CO
License #42689

On August 21, 2006, Inquiry Panel A issued an Order of Suspension pursuant to Section 24-4-104 (4). On August 28, 2006, Inquiry Panel A approved a Stipulation for Interim Cessation of the Practice Medicine and on August 28, 2006, an Order to Vacate Suspension was issued. The Orders are open for public inspection and reported as required by law.

Janakkumar Joshi, M.D., Colorado Springs, CO
License #21893

On February 8, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order which includes a Letter of Admonition and a requirement that he complete an educational program. The Stipulation is open for public inspection and is reported as required by law.

Durand J. Kahler, D.O., Sterling, CO
License #21739

On July 13, 2006, Hearings Panel A approved the termination of the 2001 Final Board Order. This is not a disciplinary action.

Charles F. King, M.D., Campbell, TX
License #17224

On September 14, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. King. The LOA is open for public inspection and reported as required by law.

Harry L. Kiracofe, M.D., Durango, CO
License #18013

On July 13, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order, which includes a Letter of Admonition, permanent practice restriction, other practice restrictions and a prescribing course. The Order is open for public inspection and reported as required by law.

Gregory Latham, M.D., Littleton, CO
License #42655

On March 9, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order, which includes a practice restriction, probation, abstinence from addictive substances and treatment monitoring. The Stipulation is open for public inspection and is reported as required by law.

Joseph A. Lovato, D.O., Northglenn, CO
License #34614

On March 9, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Lovato. The LOA is open for public inspection and reported as required by law.

John L. Lucas, M.D., Santa Fe, NM
License #25167

On March 10, 2006, Licensing Panel A approved a License Reinstatement Agreement and Final Agency Order to practice administrative medicine only. The Agreement is open for public inspection. This is not a disciplinary action.

Nola A. MacDonald, D.O., Fort Collins, CO
License #32793

On October 26, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to a Letter of Admonition, boundaries course, prescribing course and a pre and post documentation course. The Order is open for public inspection and reported as required by law.

Walter H. McClendon, M.D., Denver, CO
Training License #1902

On November 15, 2006, Licensing Panel A issued a Stipulation and Final Agency Order whereby Respondent agreed to probation, abstinence from addictive substances and treatment monitoring. The Order is open for public inspection and reported as required by law.

Mark A. McGehee, M.D., Denver, CO
License #31642

On August 18, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. McGehee. The LOA is open for public inspection and reported as required by law.

Samuel G. Magasiny, M.D., Cheltenham, PA
License #35849

On November 9, 2006, Inquiry Panel A issued an Order of Suspension Pursuant to 12-36-118 (5) (g)(IV), C.R.S. The Order is open for public inspection and reported as required by law.

Harold I. Magoun, Jr., D.O., Greenwood Village, CO
License #11808

On March 16, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Magoun. The LOA is open for public inspection and is reported as required by law.

Phillip L. Mallory, M.D., Colorado Springs, CO
Lapsed License #24011

On July 13, 2006, a Formal Complaint was filed with the Office of Administrative Courts. The Formal Complaint is open for public inspection.

Benjamin Martinez, M.D., Pueblo, CO
License #23493

On February 8, 2006, Inquiry Panel A issued a Stipulation and Final Agency Order which includes a Letter of Admonition and a fine. The Stipulation is open for public inspection and reported as required by law.

Benjamin Martinez, M.D., Pueblo, CO
License #23493

On May 17, 2006, the February 8, 2006 Stipulation and Final Agency Order was completed. This is not a disciplinary action.

Robert M. Masteller, D.C., Longmont, CO
Unlicensed

On May 3, 2006, an Order for Injunction and Judgment by Consent of the Parties was granted by Boulder County District Court. Mr. Masteller agrees that he or under the name of that business will never engage in any act defined as the practice of medicine unless he becomes licensed in Colorado to do so. This action is open for public inspection and reported as required by law.

Thomas K. Mayeda, M.D., Lakewood, CO
License #21404

On March 16, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order which in-

(Continued on page 12)

BOARD ACTIONS—January to December 2006

(Continued from page 11)

cludes a Letter of Admonition and requires successful completion of a Panel approved communication course. The Stipulation is open for public inspection and is reported as required by law.

David M. Melniczek, M.D., Denver, CO
License #45138

On November 15, 2006, Licensing Panel A approved a Licensing Stipulation and Final Agency Order whereby Respondent agreed to probation, abstinence from addictive substances and treatment monitoring. The Order is open for public inspection and reported as required by law.

Franklin B. Merrill, M.D., Denver, CO
License #12377

On August 16, 2006, Inquiry Panel A approved the a Stipulation and Final Agency Order whereby Dr. Merrill agreed to relinquish his Colorado medical license and retire from the practice of medicine. The Order is open for public inspection and reported as required by law.

Daniel R. Meyer, P.A., Grand Junction, CO
License #2210

On January 18, 2006, a Stipulation and Final Agency Order was administratively approved for Licensing Panel A, which includes five years' probation and treatment monitoring. The Stipulation is open for public inspection and reported as required by law.

Daniel R. Meyer, P.A., Grand Junction, CO
License PA#2210

On January 18, 2006, a Stipulation and Final Agency Order was administratively approved for Licensing Panel A, which includes probation and treatment monitoring. The Stipulation is open for public inspection and reported as required by law.

Don R. Molden, M.D., Lakewood, CO
License #28946

On July 13, 2006, Inquiry Panel A approved the termination of the 2000 Stipulation and Final Agency Order. This is not a disciplinary action.

Michael B. Moore, M.D., Littleton, CO
License #42173

On September 22, 2006, Inquiry Panel B issued an Order to Vacate Suspension. The Order is open for public inspection and reported as required by law.

Kathy A. Morall, M.D., Littleton, CO
License #21483

On March 16, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to surrender her Colorado medical license. The Stipulation is open for public inspection and reported as required by law.

Jay M. Murphy, M.D., Boulder, CO
Lapsed License #30821

On February 8, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Murphy. The LOA is open for public inspection and reported as required by law.

Peter M. Nicholson, M.D., Lakewood, CO
License #32584

On July 13, 2006, Inquiry Panel A issued an Order of Suspension from the Practice of Medicine pursuant to section 12-36-118 (9)(a) for failure to

comply with a valid Board Order. The Order is open for public inspection and reported as required by law.

Peter M. Nicholson, M.D., Lakewood, CO
License #32584

On August 22, 2006, Inquiry Panel A issued an Order of to Vacate Suspension effective August 22, 2006 at 5:00 p.m. The Order is open for public inspection and reported as required by law.

James E. Nixon, M.D., Dodge City, KS
License #22896

On March 9, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Nixon. The LOA is open for public inspection and reported as required by law.

John R. Nordlund, M.D., Williamsburg, VA
Inactive License #41646

On March 16, 2006, Licensing Panel B approved the termination of the 2003 Stipulation and Final Agency Order. This is not a disciplinary action.

Michael P. O'Leary, M.D., Littleton, CO
License #29406

On April 25, 2006, Inquiry Panel A approved a Second Stipulation and Final Agency Order whereby Respondent agreed to probation, abstinence from addictive substances, completion of an ethics course, treatment monitoring, practice monitoring and a fine. This Stipulation is open for public inspection and is reported as required by law.

Lisa M. Osborn, Unknown
Unlicensed

On August 17, 2006, the Arapahoe County District Court issued a Permanent Injunction, whereby Lisa M. Osborn cannot practice medicine in Colorado unless she becomes licensed. The Order is open for public inspection and reported as required by law.

Victor G. Papari, M.D., Northbrook, IL
License #39068

On February 8, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Papari. The LOA is open for public inspection and reported as required by law.

Craig A. Peterson, M.D., Montrose, CO
License #33801

On June 15, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Peterson. The LOA is open for public inspection and reported as required by law.

Antoinette G. Quigley, M.D., Denver, CO
License #29282

On July 20, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Quigley. The LOA is open for public inspection and reported as required by law.

Michael T. Randle, M.D., Greeley, CO
License #39374

On July 20, 2006, Inquiry Panel B approved the termination of the 2001 Stipulation and Final Agency Order. This is not a disciplinary action.

James F. Ransdell, M.D., Winters, CA
License #34247

On February 21, 2006, Licensing Panel A approved a License Reinstatement Agreement and Final Agency Order whereby applicant agreed to

practice administrative medicine only (no direct patient care). The Agreement is open for public inspection and reported as required by law. This is not a disciplinary action.

John P. Reasoner, M.D., Colorado Springs, CO
License #33810

On December 8, 2005, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Reasoner. The LOA is open for public inspection and is reported as required by law.

Nancy Reed, P.A., Cotopaxi, CO
License PA #2077

On February 20, 2006, the Licensing Agreement and Final Agency Order issued by Licensing Panel B was terminated. This is not a disciplinary action.

Mary A. Reeves, M.D., Salida, CO
License #31058

On July 13, 2006, Inquiry Panel A approved the termination of the 2003 Stipulation and Final Agency Order. This is not a disciplinary action.

David L. Reinhard, M.D., Aurora, CO
License #34223

On July 20, 2006, Inquiry Panel B approved a Stipulation and Final Agency Order, which includes a Letter of Admonition and a fine. The Order open for public inspection and reported as required by law.

Augustine E. Rios, M.D., Fort Collins, CO
TL #523 (Expired)

On August 18, 2006, Inquiry Panel B approved an Order to Vacate Suspension because Respondent has complied with the Board Order. The Order is open for public inspection and reported as required by law.

Daphne Rommerein-Madden, M.D., Greeley, CO
License #35637

On August 16 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Rommerein-Madden. The LOA is open for public inspection and reported as required by law.

Michael D. Rudnick, M.D., Denver, CO
License #30130

On September 14, 2006, Inquiry Panel A approved the course requirements as set forth in the 2005 Stipulation and Final Agency Order. The Stipulation and Final Agency Order is terminated as the course work has been completed. This is not a disciplinary action.

Glenn D. Sakamoto, M.D., Englewood, CO
License #30101

On March 9, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Sakamoto. The LOA is open for public inspection and reported as required by law.

Donald J. Schneider, D.O., Highlands Ranch, CO
License #21072

On August 16 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Schneider. The LOA is open for public inspection and reported as required by law.

Victor Schramm, Jr., M.D., Denver, CO
License #27828

On April 6, 2006, Inquiry Panel A approved the termination of the 2001 Stipulation and Final

(Continued on page 13)

BOARD ACTIONS—January to December 2006

(Continued from page 12)

Agency Order effective on April 12, 2006. This is not a disciplinary action.

Avis W. Severance, D.O., Grand Junction, CO License #34092

On July 13, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order, which includes probation, practice and treatment monitoring, practice restriction and an education plan. The Order open for public inspection and reported as required by law.

Seth A. Sheiner, M.D., Denver, CO Inactive License #31987

On March 9, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order whereby Respondent agreed to inactivate his Colorado medical license. The Stipulation is open for public inspection and is reported as required by law.

John S. Simon, M.D., Brighton, CO License #19180

On October 26, 2006, Inquiry Panel B issued a Stipulation and Final Agency Order whereby Respondent agreed to inactivate his Colorado medical license. Respondent also agreed to successfully complete an education plan prior to returning to active practice in Colorado. This Order is open for public inspection and reported as required by law.

Eric H. Silverstein, M.D., Colorado Springs, CO License #36728

On July 13, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Silverstein. The LOA is open for public inspection and reported as required by law.

Jerald L. Sisk, M.D., Brighton, CO License #18251

On August 3, 2006, Inquiry Panel A approved the termination of the 2003 Stipulation and Final Agency Order. This is not a disciplinary action.

Gerald E. Slater., M.D., Glenwood Springs, CO Revoked License #18882

On February 8, 2006, Hearings Panel A issued a Final Board Order revoking Dr. Slater's Colorado medical license. The Order is open for public inspection and is reported as required by law.

Christopher J. Smith, M.D., Pueblo, CO License #21599

On August 16, 2006, Inquiry Panel A issued a Stipulation and Final Agency Order which includes a Letter of Admonition, probation, practice monitoring and completion of a documentation course. The Order is open for public inspection and reported as required by law.

Martin J. Smolik, M.D., Helena, MT License #43632

On August 16, 2006, Licensing Panel B terminated the 2005 Licensing Agreement. Dr. Smolik has completed all the requirements and is granted a full license. This is not a disciplinary action.

Robert C. Springs, M.D., Denver, CO License #16299

On August 16, 2006, Inquiry Panel A approved a Second Stipulation and Final Agency Order to complete an education plan. The Order is open for public inspection and reported as required by law.

Kurt A. Sonnenberg, M.D., Glenwood Springs, CO License #31469

On September 14, 2006, Inquiry Panel A issued a Letter of Admonition (LOA) to Dr. Sonnenberg. The LOA is open for public inspection and reported as required by law.

Karen E. Steinberg, M.D., Colorado Springs, CO License #27835

On May 12, 2006, Inquiry Panel B approved the termination of the 2001 Stipulation and Final Agency Order. This is not a disciplinary action.

Alexander Sutherland, M.D., Colorado Springs, CO License #44748

On June 14, 2006, Licensing Panel B approved a Stipulation and Final Agency Order, which includes probation, abstinence from addictive substances and treatment monitoring. The Order open for public inspection and reported as required by law.

Patrick J. Thompson, M.D., Alamogordo, NM License #40172

On January 12, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Thompson. The LOA is open for public inspection and is reported as required by law.

Lamont A. Tyler, D.O., Bloomington, IL License #42255

On May 10, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order whereby Respondent agreed to surrender his Colorado medical license effective May 23, 2006. The Stipulation is open for public inspection and reported as required by law.

Glese A. Verlander, M.D., Silverthorne, CO Application Denied

On December 29, 2005, an Initial Decision was issued by an Administrative Law Judge affirming Inquiry Panel B's denial of Dr. Verlander's application for licensure. The Initial Decision is open for public inspection and reported as required by law.

Glese A. Verlander, M.D., Chicago, IL Application Denied

On March 9, 2006, Hearings Panel A issued a Final Board Order wherein the denial of Dr. Verlander's application for a Colorado medical license was upheld. The Order is open for public inspection and is reported as required by law.

Bethany Wallace, D.O., Boulder, CO License #27638

On July 13, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order, which includes a Letter of Admonition, and to successfully complete a documentation course. and a pain management course. The Order open for public inspection and reported as required by law.

Glenn P. Wallis, M.D., Lakewood, CO License #21105

On August 17, 2006, Denver County District Court issued a Permanent Injunction whereby Dr. Wallis cannot practice medicine in Colorado unless he becomes licensed. The Order is open for public inspection and reported as required by law.

Walter C. West, Jr., M.D., Monument, CO License #26226

On December 15, 2005, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. West. The LOA is open for public inspection and is reported as required by law.

Robert K. Wilson, M.D., Tulsa, OK License #28993

On March 21, 2006, Inquiry Panel B approved a License Reactivation Agreement and Final Agency Order limiting Respondent to the practice of administrative medicine only. The Agreement is open for public inspection and is reported as required by law. This is not a disciplinary action.

Robert E. Winans, D.O., Monument, CO License #23377

On February 10, 2006, Inquiry Panel B issued a Letter of Admonition (LOA) to Dr. Winans. The LOA is open for public inspection and is reported as required by law.

Gary G. Wofford, M.D., Pueblo, CO License #30398

On October 19, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order whereby Respondent agreed to probation, completion of an education plan and a quality reviewer. The Order is open for public inspection and reported as required by law.

David L. Wood, D.O., Castle Rock, CO License #19748

On October 19, 2006, Inquiry Panel A approved a Stipulation and Final Agency Order to practice administrative medicine only (no direct patient care). The Order is open for public inspection and reported as required by law.

Susan E. Woods, M.D., Fort Collins, CO License #25723

On February 8, 2006, Inquiry Panel A approved a License Reinstatement Agreement and Final Agency Order whereby Applicant agreed to practice administrative medicine only (no direct patient care). This is not a disciplinary action.

Jason R. Wray, PA, Loveland, CO License PA #2347

On October 26, 2006, Inquiry Panel B issued a Licensing Stipulation and Final Agency Order whereby Respondent agreed to probation and a CPHP assessment. The Order is open for public inspection and reported as required by law.

Joseph W. Wright, M.D., Colorado Springs, CO License #45073

On September 29, 2006, Licensing Panel B issued a Licensing Agreement, whereby Respondent has agreed not to perform any surgical procedures and limit his practice to office-based practice only. This Agreement is open for public inspection and reported as required by law.

James M. Zaenglein, M.D., Jacksonville, FL License #44687

On May 12, 2006, Licensing Panel B approved a Stipulation and Final Agency Order whereby Respondent agreed to a Letter of Admonition and practice restrictions. The Stipulation is open for public inspection and reported as required by law.

BOARD SUPPORTS REVISIONS TO DEA RULE CHANGE

The Board recently reviewed the proposed revisions to part 1306 of Title 21 of the Code of Federal Regulations and voted to respond to the DEA in unanimous support of these changes. If adopted, these proposed revisions would allow duly authorized providers, under certain conditions, to issue multiple prescriptions authorizing a patient to receive a total of up to a 90-day supply of a Schedule II controlled substance.

In conjunction with the Colorado Boards of Nursing and Pharmacy, the Board of Medical Examiners felt that such changes will not adversely affect the health, safety and welfare of Colorado citizens and will have a positive impact on licensed healthcare providers who prescribe Schedule II controlled substances to their patients. The Boards further felt such changes to the law would benefit pharmacists and pharmacies by reducing the problems with the timely refilling of such prescriptions.

Further information on the Federal Drug Enforcement Agency may be obtained by visiting this link: www.usdoj.gov/dea/

PERFORMANCE ASSESSMENTS AND THE REVISED PA RULE 400

Since 2004, based upon Medical Board Rule 400, Physician Assistants (PAs) were placed in three distinct categories, based on the practice experience of the PA. (Any physician assistant working in an acute care hospital setting must comply with additional requirements.)

1. New Physician Assistant Graduates:

- This PA has recently graduated from an accredited PA program and has been employed for six months or less as a PA with less than 500 patient encounters as a licensed PA.
- This PA requires on-site supervision for the first 1000 hours and all charts must be reviewed and signed within seven days.
- A performance assessment must be completed by the Primary Supervising Physician at the end of six months, and then quarterly for the first two years; twice a year thereafter.

2. Experienced Physician Assistants new to a practice:

- This PA is new to the place of employment but has previously worked as a PA for the two-year period required of new graduates.
- This PA does not require on-site supervision, but must have adequate means for communication with the physician supervisor (primary or secondary) by either telephone, radio, pager or other telecommunication device.
- A performance assessment must be completed by the Primary Supervising Physician at the end of six months and then twice a year thereafter.

3. All other Physician Assistants:

- There is no requirement for chart signature or on-site supervision, as long as they have adequate means for communication with the physician supervisor (primary or secondary) by either telephone, radio, pager or other telecommunication device.
- A performance assessment must be completed by the Primary Supervising Physician twice a year.

New to this rule is the requirement of the Performance Assessment. The Board has chosen not to dictate a specific format for the assessment. However, the assessment must include but is not limited to the following:

- The medical competency of the PA
- The review and initialing of selected charts
- Referrals and consultations made by the PA
- The ability of the PA to take a medical history and perform an exam.

The Primary Supervising Physician is required to document and maintain the performance assessment records for each PA supervised. These records are not required to be submitted to the Board, but are subject to audit by the Board. They should be maintained by the Primary Supervising Physician as a part of the PA's employment file in the event of a Board request.

The Colorado Academy of Physician Assistants (CAPA) has developed sample assessment forms that may be used by PAs and their supervising physicians. To obtain copies of the sample forms, please contact CAPA at 303-770-6048 or www.coloradopas.org.

BOARD ELECTS NEW OFFICERS

The Colorado Board of Medical Examiners is pleased to announce its newly elected officers, who will take office on May 17, 2007. The Board extends a special acknowledgment to outgoing President — Ned Calonge, MD — for his years of exemplary service, leadership and dedication to the mission of the Colorado Board of Medical Examiners.

President Elect Patrick Faricy, M.D., was first appointed to the Board on May 11, 2001, and has been serving as the Chair of Panel A of the Medical Board. Dr. Faricy received his Doctor of Medicine from the University of Colorado in 1973 and practices urology in Colorado Springs.

Tarek Arja, D.O., has been re-elected to serve as Vice President. Dr. Arja was first appointed to the Board in 2000 and will continue to serve as Chair of Panel B of the Medical Board. He received his Doctor of Osteopathy from Southeastern University of the Health Sciences in 1991. He practices family medicine in Grand Junction.

Jandel Allen-Davis, MD, will serve as Secretary. She received her Doctor of Medicine in 1984 from Dartmouth Medical School, practices as an OB/GYN in the Denver area, and was first appointed to the Board in 2003.

THE COLORADO BOARD OF MEDICAL EXAMINERS

1560 Broadway, Suite 1350, Denver, Colorado 80202-5140
Phone (303) 894-7690 Fax (303) 894-7692 www.dora.state.co.us/medical

BOARD MEMBERS

Ned Calonge, MD
Outgoing President

Patrick O. Faricy, MD
President-Elect

Tarek T. Arja, DO
Vice President

Jandel T. Allen-Davis, MD
Secretary

Louis W. Bair, Jr, DO
Board Member

Thomas G. Chiavetta, MD
Board Member

Carlton R. Jennings
Board Member

Michael Jobin, MD
Board Member

Susan L. Jolly, MD
Board Member

Rev. Robert C. Leivers
Board Member

Kathleen Matthews, MD
Board Member

Karen J. Quinn
Board Member

Sue Radcliff
Board Member

MEDICAL BOARD STAFF

Susan Miller
Healthcare Section Director
(303) 894-7714

Cheryl Hara
Program Director
(303) 894-7704

Cindy Klyn
Enforcement Program Manager
(303) 894-7717

Lorraine Lucero
Complaint Analyst
(303) 894-7713

June Nieto
Complaint Analyst
(303) 894-7598

Sue Carroll
Committee on
Anti-Competitive Conduct
(303) 894-7720

Danise Hayes
Program Assistant
Newsletter Editor
(303) 894-7719

Jan Seewald
Licensing Specialist
(303) 894-7716

Donna Eccleston
Administrative Assistant
(303) 894-7712

Ginny Swem
Administrative Assistant
(303) 894-7477

OFFICE OF LICENSING STAFF

Susan Taylor
Director, Office of Licensing
(303) 894-7727

Donna Bame
Licensing Supervisor
(303) 894-2433

Vacant
Licensing Specialist

**Doing business with the Division of Registrations is easy
when you use
REGISTRATIONS ONLINE SERVICES
www.doradls.state.co.us**

After a simple online registration process, you can:

Renew your license

- Approximately six weeks before your license expires, whether you receive a renewal notice or not;
- Use your Visa, MasterCard, Discover, or American Express card;
- Get instant payment confirmation;
- Cut the renewal processing time in half.

Change your mailing address

- Update your contact information in “real time” - no more waiting for your written request to be received and processed by staff.

Check the status of a pending application

- Track your application from the date we log it into our database to the date your license is printed.

...and more!

**REGISTRATIONS ONLINE SERVICES:
Open 24 hours a day, 7 days a week**

The Colorado Board of Medical Examiners

1560 Broadway, Suite 1350
Denver, Colorado 80202-5140
362801810

PRST STD
U.S. POSTAGE
PAID
DENVER CO
PERMIT 738