

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NO. 2015-3314-A

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF
LARRY ECKSTEIN, M.D., LICENSE NUMBER DR-33042,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A
("Panel") of the Colorado Medical Board ("Board") and Larry Eckstein, M.D.
("Respondent") (collectively, the "Parties") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on October 14, 1993 and was issued license number DR-33042, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On September 10, 2015, the Panel reviewed case number 2015-3314-A and determined that further proceedings by formal complaint were warranted pursuant to Section 12-36-118(4)(c)(IV), C.R.S. The Panel thereupon referred the matter to the Attorney General pursuant to Section 12-36-118(4)(c)(IV), C.R.S.
4. Following a post-suspension hearing on or about October 8, 2015, the Panel voted to sustain the September 10, 2015 Order of Suspension pursuant to Section 24-4-104(4), C.R.S., because the public health, safety or welfare imperatively required emergency action and/or Respondent deliberately and willfully violated the Colorado Medical Practice Act.
5. On or about October 9, 2015, the Parties entered into an Interim Cessation of Practice Agreement ("Interim Agreement") in lieu of summary suspension pursuant to Section 24-4-104(4), C.R.S. This Interim Agreement

remains in effect until such time as a Final Board Order becomes effective in this case.

6. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order ("Order") to provide for a settlement of all matters set forth in case number 2015-3314-A, without the necessity of conducting a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.

7. Respondent understands that:

a. Respondent has the right to be represented by an attorney of the Respondent's choice and Respondent is represented by counsel;

b. Respondent has the right to a formal complaint and disciplinary hearing pursuant to Sections 12-36-118(4)(c)(IV) and 12-36-118(5), C.R.S.;

c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a formal complaint and disciplinary hearing, denies the facts contained in this Order, but acknowledges that those facts, if proven, would constitute a prima facie case of unprofessional conduct, and relieves the Panel of its burden of proving such facts;

d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence and to cross-examine witnesses who would testify on behalf of the Panel; and

e. Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

FACTUAL BASIS

8. The Respondent acknowledges and the Panel finds that, if the Panel were to prove the following facts at hearing, it would constitute a prima facie case of unprofessional conduct as defined in the Medical Practice Act, and would subject Respondent to discipline. Respondent denies the following allegations:

- a. Respondent engaged in poly-pharmacy prescribing to multiple patients in combinations which either had no apparent medical justification or resulted in dangerous medication combinations. Respondent prescribed multiple benzodiazepines concurrently with opioids; prescribed drugs with high abuse potential in powder forms for use by patients outside of inpatient settings; and prescribed multiple medications to a patient on or about the same date that would be expected to result in the same or similar clinical effects on the patient; and
- b. On approximately August 18, 2015, as part of Boulder County District Court Case No. 15CR1378, Respondent was indicted for one felony count of distribution of schedule III or IV controlled substances, to which he has entered a guilty plea and is awaiting sentencing.

9. Respondent admits and the Panel finds that the acts or omissions described in the factual basis above, if proven, constitute unprofessional conduct pursuant to Sections 12-36-117(1)(f) and (1)(p) C.R.S., which state:

(1) "Unprofessional conduct" as used in this article means:

(f) Any conviction of an offense of moral turpitude, a felony, or a crime that would constitute a violation of this article;

(p) Any act or omission which fails to meet generally accepted standards of medical practice.

10. Based upon the above, the parties stipulate that the terms of this Order are authorized by Section 12-36-118(5)(g)(III), C.R.S.

RELINQUISHMENT OF LICENSE

11. Commencing on the effective date of this Order, Respondent's License in the State of Colorado is permanently relinquished. Respondent understands and acknowledges that he is permanently relinquishing a license to practice medicine in Colorado. Respondent agrees not to apply for reactivation, reinstatement or issuance of a new license to practice medicine in Colorado at any time in the future. Respondent specifically waives any right to which he may be entitled pursuant to Section 12-36-118(5)(i), C.R.S. regarding application for licensure.

12. Following relinquishment of Respondent's license, Respondent shall perform no act requiring a license issued by the Board, nor shall Respondent

perform any act in any other location pursuant to the authority of a license to practice medicine granted by the state of Colorado.

OTHER TERMS

13. The terms of this Order were mutually negotiated and determined.

14. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Order voluntarily; and both parties agree that no term or condition of this Order is unconscionable.

15. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

16. If Respondent is licensed by any other jurisdiction, Respondent shall report this Order to all other jurisdictions in which Respondent is licensed.

17. Respondent shall submit an update to his profile with the Healthcare Professions Profiling Program regarding this Order within thirty (30) days of the effective date of this Order.

18. So that the Board may notify hospitals of this agreement pursuant to Section 12-36-118(13), C.R.S., Respondent presently holds clinical privileges at the following hospitals:

NONE

19. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to Section 12-36-118(5)(g)(III), C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in Section 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

20. This Order shall be admissible as evidence at any proceeding or future hearing before the Board.

21. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

22. During the pendency of any action arising out of this Order, the terms of this Order shall be deemed to be in full force and effect and shall not be tolled.

23. Respondent acknowledges that the Panel may choose not to accept the terms of this Agreement and that if the Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

24. This Order shall be effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

25. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. This Order constitutes discipline against Respondent's license. Additionally, this Order shall be reported to the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.

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Larry Eckstein, M.D.

THE FOREGOING was acknowledged before me this 20th day of
April, 2016 by Larry Eckstein, M.D. in the County of Boulder
State of Colorado.

TUCKER BROCK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144038400
MY COMMISSION EXPIRES OCTOBER 1, 2018

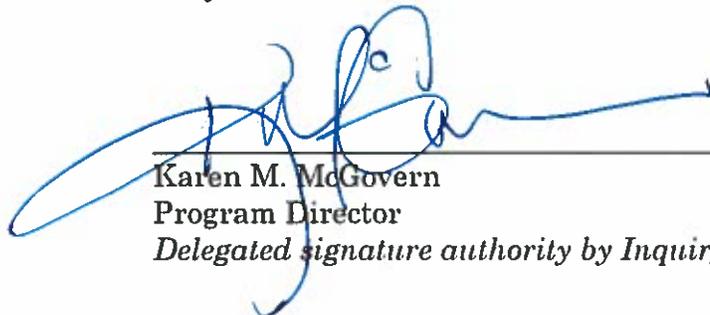


NOTARY PUBLIC

October 1st, 2018
My commission expires

THE FOREGOING Stipulation and Final Agency Order is approved this 13th day of May, 2016.

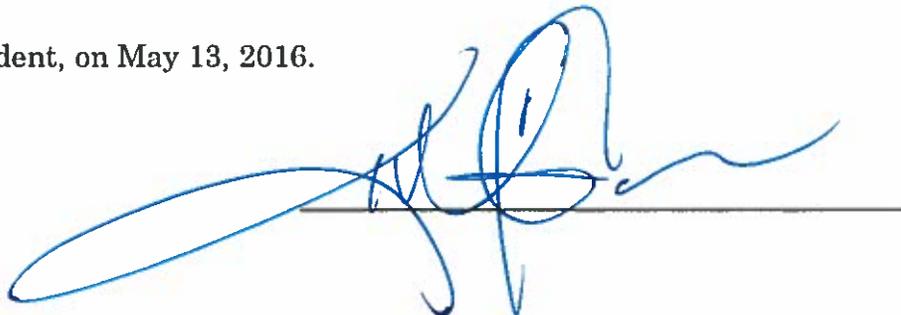
FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

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Karen M. McGovern
Program Director

Delegated signature authority by Inquiry Panel A

THE FOREGOING Stipulation and Final Agency Order is effective upon service to Respondent, on May 13, 2016.

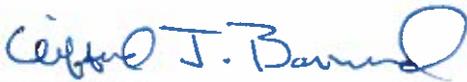
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APPROVED AS TO FORM:

FOR THE RESPONDENT
LARRY ECKSTEIN, M.D.

FOR THE COLORADO MEDICAL
BOARD

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