

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NO. 2016-910-A

SECOND NON-DISCIPLINARY INTERIM CESSATION OF PRACTICE AGREEMENT

IN THE MATTER OF THE LICENSE TO PRACTICE AS A PHYSICIAN IN THE STATE
OF COLORADO OF ANDREW MARK HO, M.D., LICENSE NO. DR-33381,

Respondent.

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

1. Respondent was licensed to practice as a physician in the state of Colorado on March 11, 1994 and was issued license number DR-33381, 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 March 10, 2016, the Panel reviewed materials relating to case number 2016-910-A, including Respondent's care and treatment of six patients, including Respondent's prescribing of controlled substances to those patients. The Panel issued its Notice of Right to Request Pre-Suspension Hearing dated March 11, 2016. At that time, the Panel expressed concern regarding the quantities and combinations of controlled substances that Respondent prescribed to patients; Respondent's prescribing of benzodiazepines in combination with opioids; and Respondent's prescribing of opioids in daily dosages well in excess of 120 morphine-equivalent units. The Panel had concern regarding Respondent's lack of documentation regarding his prescribing rationale and ongoing management of pain patients, for the six patients reviewed. The Panel also expressed concern regarding Respondent's failure to adequately assess, or to adequately document assessment of, patient compliance with medication therapy through the use of random urine drug screens, periodic prescription drug monitoring program review, pill counts or other activities.

4. On March 18, 2016, the Panel reviewed materials relating to case number 2016-910-A, including information that the Colorado Physician Health Program ("CPHP") asked Respondent to cease practice during its ongoing evaluation. On approximately March 21, 2016, Respondent voluntarily entered into an interim cessation of practice agreement to facilitate further evaluation of the issues related to Board case number 2016-910-A ("Interim Agreement").

5. Respondent appeared for his pre-suspension hearing on April 14, 2016. At that time, Respondent provided information to the Panel that CPHP clinically cleared Respondent to return to work pending its extended evaluation. Based on this information, the Panel agreed to terminate the Interim Agreement, effective as of the date of this Second Non-Disciplinary Interim Cessation of Practice Agreement ("Second Interim Agreement").

6. At the April 14, 2016 pre-suspension hearing, the Panel also reviewed materials regarding Respondent's care and treatment of six patients. After presentation by Respondent, the Panel continued to express concern regarding the issues identified in its Notice of Right to Request Pre-Suspension Hearing.

7. Respondent denies any and all allegations of a violation of the Medical Practice Act. Respondent voluntarily enters into this agreement to facilitate further evaluation of the issues related to Board case number 2016-910-A.

8. Based upon the information and the totality of the circumstances, Respondent has offered to enter into an agreement for Respondent not to practice as a physician in the interim as set forth in more detail below, and the Panel has authorized the parties to enter into an agreement for Respondent to limit his practice as a physician.

9. The parties have agreed to enter into this Second Non-Disciplinary Interim Cessation of Practice Agreement ("Second Interim Agreement") pending further evaluation and investigation of Respondent to determine what further actions, if any, are warranted. Any summary suspension that could be imposed by the Panel is hereby stayed pursuant to the terms of this Interim Agreement.

10. Respondent agrees that he will not perform any act requiring a license issued by the Board while this Second Interim Agreement is in effect.

11. This Second Interim Agreement shall remain in effect until such time as the parties reach a final disposition of this case or, in the event summary suspension proceedings are initiated, an order for summary suspension enters.

12. The Panel agrees that it will not institute summary suspension proceedings while this Second Interim Agreement is in effect so long as the Respondent remains in compliance with this Second Interim Agreement and so long as the Panel does not learn of new information that would indicate that summary suspension is warranted.

13. Nothing in this Second Interim Agreement shall constitute disciplinary action, a finding that Respondent has engaged in unprofessional conduct, or any admission by Respondent of unprofessional conduct. There have been no final determinations regarding Respondent's professional competence or professional conduct. Nothing in this Second Interim Agreement shall constitute final actions as defined in section 24-4-102(1), C.R.S.

14. Nothing in this Second Interim Agreement shall preclude the Panel from initiating disciplinary action pursuant to section 12-35-118, C.R.S., or issuing a Final Agency Order while this Second Interim Agreement is in effect.

15. Respondent understands that Respondent has the right to be represented by counsel of Respondent's choice in this matter, and Respondent is represented by counsel in this matter.

16. The terms of this Second Interim Agreement were mutually negotiated and determined.

17. Both parties acknowledge that they understand the legal consequences of this Second Interim Agreement, both parties enter into this Second Interim Agreement voluntarily, and both parties agree that no term or condition of this Second Interim Agreement is unconscionable.

18. This Second Interim Agreement and all its terms constitute a valid board order for purposes of section 12-36-117(1)(u), C.R.S.

19. So that the Board may notify hospitals of this Second Interim Agreement, Respondent presently holds privileges at the following hospitals:

Porter Adventist Hospital

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

21. This Second Interim Agreement shall be effective upon signature by Respondent. Respondent acknowledges that the Panel may choose not to accept the terms of this Second Interim Agreement and that if the Second Interim Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

22. This Second Interim Agreement 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 Second Interim Agreement.

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

24. Upon becoming effective, this Second Interim Agreement shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. While this Second Interim Agreement does not constitute discipline against Respondent's

license, it may be reported to the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.

Allen

ANDREW MARK HO, M.D.

THE FOREGOING was acknowledged before me this 18 day of April, 2016, by Andrew Mark Ho, M.D., in the County of Arapahoe, State of Colorado.

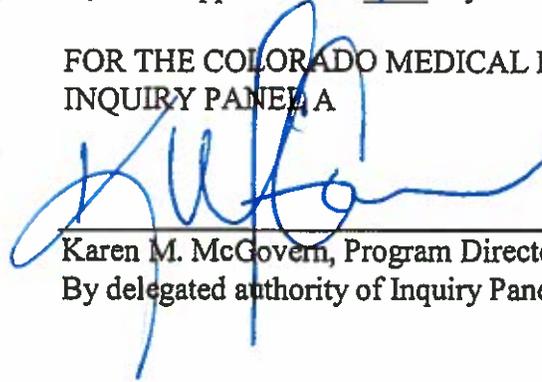
EDNE GONZALEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 201002873
MY COMMISSION EXPIRES APR. 03, 2017

Edne Gonzalez

NOTARY PUBLIC
05/03/2017
Commission expiration date

THE FOREGOING Second Non-Disciplinary Interim Cessation of Practice Agreement is effective upon signature by Respondent, above, and is approved this 19th day of April, 2016.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

A handwritten signature in blue ink, appearing to read 'K. McGovern', is written over a horizontal line.

Karen M. McGovern, Program Director
By delegated authority of Inquiry Panel A

APPROVED AS TO FORM:

**FOR RESPONDENT
ANDREW MARK HO, M.D.**

FOR THE COLORADO MEDICAL BOARD

CHILDS MCCUNE LLC

**CYNTHIA H. COFFMAN
Attorney General**



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