

BEFORE THE COLORADO MEDICAL BOARD  
STATE OF COLORADO  
CASE NOS. 2016-2096-B; 2016-2161-B; and 2016-2371-B

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**NON-DISCIPLINARY INTERIM CESSATION OF PRACTICE AGREEMENT**

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IN THE MATTER OF THE LICENSE TO PRACTICE AS A PHYSICIAN IN THE STATE  
OF COLORADO OF KENNETH PETTINE, M.D., LICENSE NO. DR-29524,

Respondent.

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

1. Respondent was licensed to practice as a physician in the state of Colorado on June 9, 1989, and was issued license number DR-29524, 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 May 12, 2016, the Panel reviewed materials relating to case numbers 2016-2096-B; 2016-2161-B; and 2016-2371-B, including information regarding three surgical procedures that Respondent performed between March 29, 2016 and April 6, 2016. The Panel reviewed materials alleging that during each of the three surgical procedures, Respondent initially performed spinal decompression and placement of an implant at the wrong level of the patient's spine, although Respondent thereafter identified the mistakes and placed the implants at the correct level. The Panel expressed concern that, in each case, Respondent caused an operative report to be made that failed to document the wrong-level placement of the implant, but rather, affirmatively identified that that the wrong-level procedure was intentionally made. The Panel expressed concern that Respondent's operative notes regarding the additional level decompressions were inconsistent with preoperative imaging in each case. The Panel also reviewed information that the Colorado Physician Health Program has asked Respondent to cease practice while it evaluates Respondent's physical and mental health and Respondent's ability to practice medicine with reasonable skill and safety to patients.

4. 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 numbers 2016-2096-B; 2016-2161-B; and 2016-2371-B.

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5. 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.

6. The parties have agreed to enter into this Non-Disciplinary Interim Cessation of Practice Agreement ("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.

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

8. This 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.

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

10. Nothing in this 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 Interim Agreement shall constitute final actions as defined in section 24-4-102(1), C.R.S.

11. Nothing in this Interim Agreement shall preclude the Panel from initiating disciplinary action pursuant to section 12-36-118, C.R.S., or issuing a Final Agency Order while this Interim Agreement is in effect.

12. 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.

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

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

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

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

McKee Medical Center Medical Center of the Rockies; Poudre Valley Hospital; Harmony Surgery Center; and Arete Surgical Center

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

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

19. This 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 Interim Agreement.

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

21. Upon becoming effective, this Interim Agreement shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. While this 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.

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H.P.

Kenneth A. Pettine  
KENNETH A. PETTINE, M.D.

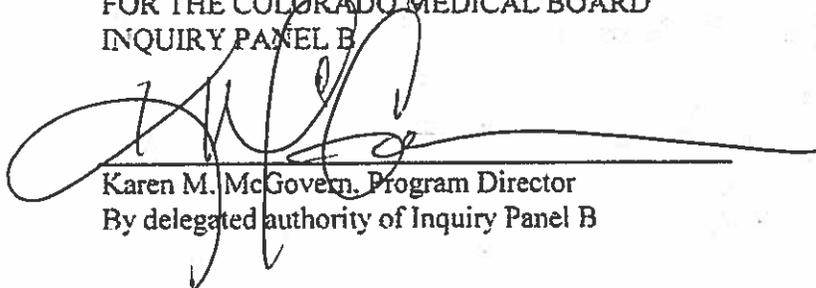
THE FOREGOING was acknowledged before me this 15<sup>th</sup> day of May, 2016, by  
Kenneth A. Pettine, M.D., in the County of Larimer, State of Colorado.

Caroline Morrell  
NOTARY PUBLIC

Commission Expires 7-8-2019  
**CAROLINE MORRELL**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20074026147**  
**MY COMMISSION EXPIRES 7-8-2019**

THE FOREGOING Non-Disciplinary Interim Cessation of Practice Agreement is effective upon signature by Respondent, above, and is approved this 13<sup>th</sup> day of May, 2016.

FOR THE COLORADO MEDICAL BOARD  
INQUIRY PANEL B



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

H.P.

APPROVED AS TO FORM:

FOR RESPONDENT  
KENNETH A. PETTINE, M.D.

FOR THE COLORADO MEDICAL BOARD

MILLER KABLER, P.C.

CYNTHIA H. COFFMAN  
Attorney General



STEVEN R. KABLER, #26358  
2150 W. 29<sup>th</sup> Ave., Suite 320  
Denver, Colorado 80211  
Telephone: (720) 306-7733



ASHLEY MOLLER KLEIN, #29362  
Senior Assistant Attorney General  
Attorneys for the Colorado Medical Board,  
Inquiry Panel B  
Colorado Department of Law  
Ralph L. Carr Colorado Judicial Center  
Business & Licensing Section, Medical Unit  
1300 Broadway, 8<sup>th</sup> Floor  
Denver, Colorado 80203  
Telephone: (720) 508-6400  
\*Counsel of Record

*K.A.*