

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE
TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF DAVID M. OLSON,
M.D., LICENSE NO. 34559

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B ("Panel") of the Colorado State Board of Medical Examiners ("Board") and David M. Olson ("Respondent") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the State of Colorado on July 13, 1995, and was issued license no. 34559 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. During the 1997 license renewal period, Respondent submitted information regarding treatment for a bipolar disorder. On or about May 15, 1998, the Panel reviewed information from Respondent, Elliot S. Cohen, M.D., and an April 27, 1998 report from Colorado Physician Health Program ("CPHP"). The Panel thereupon referred the matter to the Attorney General.
4. Respondent understands that:
 - a. Respondent has the right to be represented by an attorney of Respondent's choice;
 - b. Respondent has the right to a formal disciplinary hearing pursuant to § 12-36-118(5), C.R.S.

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.

5. It is the intent of the parties and the purpose of this Order to provide for a settlement of all facts disclosed by Respondent in response to his 1997 application renewal request, Dr. Elliott Cohen, and CPHP in its April 27, 1998 correspondence with the Board. This Order constitutes the entire agreement between the parties. There are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.

6. Respondent admits and agrees as follows: Respondent admits that he suffers from a physical or mental disability which may render him unable to perform medical services, in contravention of § 12-36-117(1)(o), C.R.S.

7. Based upon the above, the Panel is authorized by § 12-36-118(5)(g)(III), C.R.S. to order probation and such conditions upon Respondent's practice which it deems appropriate.

PROBATIONARY TERMS

8. Respondent's license to practice medicine in the state of Colorado is hereby placed on probationary status for a period of five years. During the probationary period, Respondent agrees to be bound by the terms and restrictions set forth in the paragraphs below.

TREATMENT MONITORING

9. Respondent shall receive such medical, psychiatric and psychological treatment as is determined to be appropriate by CPHP. Respondent shall fully cooperate with CPHP and shall sign such authorizations to release information as requested by CPHP. All treatment recommendations by CPHP shall constitute terms of this Order. CPHP shall also function as the "treatment monitor" as that term is used in this Order. CPHP shall monitor Respondent's compliance with this Order in the following manner:

a. Respondent is currently not practicing medicine in Colorado and lives in another state. Prior to beginning to practice medicine in Colorado, Respondent must:

(i) receive an evaluation by CPHP and a determination by CPHP that he is safe to practice medicine. The CPHP assessment must be performed no more than six months before the date Respondent submits his letter to the Panel of his intention to resume practicing, as set forth in (ii).

(ii) provide a letter to the Panel of his intention to resume practicing medicine in Colorado and submit the CPHP assessment to the Panel for its review. Respondent may at that time submit other information for the Panel's review.

(iii) receive authority from the Panel to begin practicing in Colorado.

b. Once Respondent begins to practice medicine in Colorado, CPHP shall submit quarterly written reports to the Panel. The reports shall briefly describe Respondent's treatment with CPHP. The reports shall also state whether Respondent is in compliance with this Order.

c. If at any time CPHP has reasonable cause to believe that Respondent has violated the terms of this Order, is unable to practice with skill and with safety to patients or has committed unprofessional conduct as defined in § 12-36-117(1), CPHP shall immediately inform the Panel.

10. Nothing in this agreement shall limit the ability of CPHP to impose any other ~~condition as part of its treatment of Respondent.~~

11. Respondent shall complete a release permitting CPHP to disclose to the Panel all privileged information concerning Respondent in its possession, including information generated by other sources. Any revocation of such release by Respondent shall constitute a violation of this Order.

12. If at any time, CPHP feels that any of the above requirements are no longer necessary to Respondent's recovery or to insure Respondent can practice with skill and with safety to Respondent's patients, CPHP may petition the Panel to relax the above requirements. If the Panel agrees to such a relaxation, it shall so inform CPHP by written notice. Thereafter, Respondent may comply with this Order as set forth in that notice.

OUT OF STATE PRACTICE, INACTIVE LICENSE, SURRENDER OF LICENSE

13. The period of probation is tolled for any period of time during which:

- a. Respondent is not engaged in the clinical practice of medicine in Colorado;
- b. Respondent is not being monitored as required by the terms of this Order; or
- c. ~~Respondent is not in compliance with any other term of this Order.~~

14. Once Respondent begins to practice medicine in Colorado, Respondent must comply with all provisions of this Order, irrespective of Respondent's location, unless Respondent's Colorado license is inactive or Respondent has surrendered his Colorado license permanently.

15. At any time, Respondent may request that the Panel place Respondent's license in inactive status as set forth in § 12-36-137, C.R.S. The Panel has total discretion of whether to approve or deny the request. Upon the approval of such requests, Respondent may cease to comply with those provisions of this Order. The probationary period will be tolled for any period

of time Respondent's license is inactive. Respondent may resume the active practice of medicine at any time as set forth in § 12-36-137(5), C.R.S.

16. Respondent may request to surrender his Colorado license at any time and for any reason, irrespective of whether Respondent's license is inactive. The Panel has total discretion of whether to approve or deny the request. If Respondent requests to surrender his Colorado license and, in addition, agrees to never again apply for a Colorado license to practice medicine, and the Panel approves the request, Respondent's license shall be deemed permanently surrendered and the probation completed.

OTHER TERMS

17. 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.

18. Respondent shall obey all state and federal laws during the probationary period ordered herein.

19. If, at any time during the probationary period, Respondent does not have in effect a policy of medical malpractice insurance in compliance with § 13-64-301, C.R.S., Respondent shall immediately notify the Panel in writing.

20. At the completion of the probationary term ordered herein, including any extension required by this paragraph, Respondent may make a written request to the Panel for restoration of Respondent's license to unrestricted status. With such request, Respondent shall supply any outstanding reports from the practice monitor. If Respondent has complied with the terms of probation, such release shall be granted by the Panel in the form of written notice. Absent such written notice from the Panel, Respondent shall continue to comply with the probationary terms.

21. Respondent shall report to the Board when gaining hospital privileges so that the Board may notify the hospital pursuant to § 12-36-118(13), C.R.S. Respondent presently holds privileges at the following hospitals:

~~None~~ but I am enrolled with a computer training
company for lesson teacher assignments

22. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to § 12-36-118(5)(g)(III), C.R.S. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in § 12-36-118(5)(g)(IV),

C.R.S. This Order and all its terms also constitute a valid board order for purposes of § 12-36-117(1)(u), C.R.S.

23. This Order shall be admissible as evidence at any future hearing before the Board.

24. This Order shall be effective upon approval by the Panel and signature by a Panel member. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member, it is void.

25. Upon becoming effective, this Order shall be open to public inspection and shall be reported as required by law.

David M. Olson, M.D.
DAVID M. OLSON, M.D.
2111 Hollyhall, #4814
Houston, Texas 77054

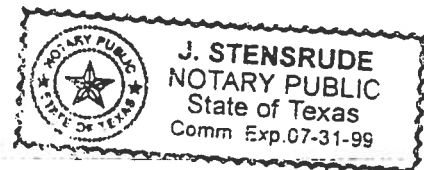
The foregoing was acknowledged before me this 24th day of October

by David M. Olson, M.D.

J. Stensrude
NOTARY PUBLIC

My Commission expires:

7/31/99



THE FOREGOING Stipulation and Final Agency Order is approved and effective this
13th day of November, 1998.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS
INQUIRY PANEL B



APPROVED AS TO FORM:

GALE A. NORTON
Attorney General

RICHARD A. WESTFALL
Solicitor General

LINDA L. SIDERIUS
Deputy Attorney General

MATTHEW E. NORWOOD
First Assistant Attorney General

CHERYL K. HARA, 16017*
Assistant Attorney General
Regulatory Law Section

Attorneys for the Colorado State
Board of Medical Examiners

1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Telephone: (303) 866-5286
FAX: (303) 866-5365

*Counsel of Record

RG ME DLKKI
AG FILE:P\RLHARACK\OLSON\STIP.DOC.