

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE
MEDICINE IN THE STATE OF COLORADO OF LISA ANN DARTON, M.D.

Applicant.

IT IS HEREBY STIPULATED and agreed by and between the Colorado State Board of Medical Examiners ("Board") and Lisa Ann Darton, M.D. ("Applicant") as follows:

JURISDICTION AND CASE HISTORY

1. Applicant applied for licensure as a physician in this state in 1991. In that application, Applicant disclosed the history of chemical dependency as described below. Prior to the Board taking any final action on this application, Applicant voluntarily withdrew the application.

2. Applicant reapplied for licensure in 1993. The Board considered this application in April of 1993 and voted to offer Applicant a probationary license under the terms set out below.

3. The Board has jurisdiction over Applicant and over the subject matter of this proceeding.

4. Applicant understands that:

a. Applicant has the right to be represented by an attorney of the Applicant's choice;

b. Applicant has the right to a formal hearing pursuant to §§ 12-36-116 and 24-4-104(9), C.R.S.

c. By entering into this Stipulation and Final Agency Order (hereinafter, the "Order"), Applicant is knowingly and voluntarily giving up the right to a hearing and admits the facts contained in this Order.

d. Applicant is knowingly and voluntarily giving up the right to present oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Board.

5. It is the intent of the parties and the purpose of this Order to provide for a settlement of all facts disclosed by Applicant's application, without the necessity of holding a formal hearing.

6. Applicant admits the following:

a. While a resident in psychiatry, Applicant was hospitalized at Mount Airy Psychiatric Center in October 1989. Applicant was diagnosed as suffering from a cocaine and alcohol addiction. Applicant completed a two month in-patient stay and was released to out-patient care. In December, 1989, Applicant enrolled in the Colorado Physicians Health Program ("CPHP").

b. Applicant relapsed and was placed in treatment at "The Program" for her addictive disorder. Upon evidence of the continued use of cocaine in April 1990, Applicant was transferred to in-patient care at the Springbrook Institute in Newburg, Oregon.

c. Applicant remained at Springbrook until June of 1990, when she was transferred to the Talbott Recovery System in Atlanta, Georgia for continuing treatment.

d. Applicant was discharged from Talbott in October of 1990, whereupon she returned to Denver for reenrollment in her psychiatry residency and follow-up with CPHP.

e. Throughout her treatment for addiction, there has been the question of whether Dr. Darton suffers from major depressive disorder. This diagnosis was confirmed in July of 1991.

~~f. Since her return to Colorado, Applicant has successfully continued her recovery chemical dependency, has otherwise maintained good mental health and has performed well in her psychiatric residency.~~

7. Applicant's history of cocaine and alcohol addiction as described above constitutes habitual intemperance and excessive use of a controlled substance: unprofessional conduct as set out in § 12-36-117(1)(i), C.R.S.

8. Based upon the above, the Board is authorized by §§ 12-36-107(2) and 12-36-116, C.R.S. to order probation and such

conditions upon Applicant's practice which it deems appropriate.

PROBATIONARY TERMS

9. Applicant's license to practice medicine in the state of Colorado is hereby placed on probationary status for a period of five years. Upon the completion of the five year period of probation, the Board shall review Applicant's recovery from addiction, her psychiatric condition and her compliance with this Order. In the sole discretion of the Board, the period of probation may be extended for as long as the Board sees fit. During the probationary period Applicant agrees to be bound by the terms and restrictions set forth in the paragraphs below.

10. Applicant shall totally abstain from the use of alcohol, cocaine and any other habit-forming drug or controlled substance, other than as administered, dispensed or prescribed by an authorized person other than Applicant.

TREATMENT MONITORING

11. Applicant shall receive medical treatment from the Colorado Physicians Health Program ("CPHP") in the manner and to the extent CPHP deems fit. CPHP shall also monitor Applicant's compliance with this Order in the following manner:

a. CPHP shall test Applicant's urine to insure compliance with this Order. CPHP shall require Applicant to submit to urine tests on randomly selected days on a frequency of three times per week. Upon notice to Applicant by CPHP that a urine sample must be given, Applicant must provide a urine sample as soon as possible, but in no event later than 6:00 p.m. that same day. Within these guidelines, CPHP shall make reasonable effort to insure that the Applicant will not be able to predict which days Applicant will be tested. CPHP shall take all reasonable measures, including observation of the giving of the urine sample, to insure that the urine testing is effective.

b. CPHP shall submit quarterly written reports to the Board. The reports shall briefly describe Applicant's treatment with CPHP. The reports shall also state whether Applicant is in compliance with this Order. If at any time CPHP has reasonable cause to believe that Applicant 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 Board.

12. Nothing in this agreement shall limit the ability of

CPHP to test more frequently or for more substances than set forth above or to impose any other condition as part of its treatment of Applicant.

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

PRACTICE MONITORING

14. Applicant's medical practice at all office and hospital locations in Colorado shall be monitored by a "practice monitor." The practice monitor shall be a physician licensed and currently practicing medicine in Colorado. The practice monitor must be knowledgeable in Applicant's area of practice. Most importantly, the practice monitor must function as the eyes of the Board and must not feel an allegiance to Applicant that would prevent a fair and impartial review of Applicant's practice to insure that Applicant is practicing within the standard of care and in compliance with this Order. The practice monitor shall have no financial interest in Applicant's practice of medicine. The practice monitor may be selected by Applicant but must be approved by the Board. Prior to the Board's approval, the practice monitor shall submit to the Board a current curriculum vitae and letter to the Board. In the letter, the practice monitor shall state that the practice monitor has read this Order, and understands and agrees to perform the obligations as set forth herein.

15. The practice monitor shall perform the following:

a. At least once each month, the practice monitor shall visit all the offices at which Applicant practices medicine, and review at least five charts maintained by Applicant. The practice monitor shall make reasonable efforts to insure that Applicant has no notice of which charts will be selected for review. The practice monitor is authorized to review such other medical records maintained by Applicant as the practice monitor deems appropriate. If Applicant does not have an office practice, the review of the office practice, necessarily, need not be done. However, review of the office practice must begin if Applicant begins an office practice.

b. At least once each month, the practice monitor shall review at least five hospital charts of patients whom Ap-

plicant has admitted to hospitals. If Applicant has admitted less than five patients to the hospital in the previous month, the practice monitor shall review all the patients so admitted, if any. The practice monitor shall make reasonable efforts to insure that Applicant has no notice of which charts will be selected for review. The practice monitor is authorized to review such other hospital charts as the practice monitor deems appropriate.

c. The practice monitor shall submit quarterly written reports to the Board. The first such report shall be submitted to the Board on the last day of the first full month after the practice monitor has been approved by the Board. All subsequent reports shall be submitted on the last day of each third month thereafter.

d. The practice monitor's reports shall include the following:

1) a description of each of the cases reviewed;

2) a description of the condition of Applicant's office facilities, if applicable.

3) the practice monitor's opinion whether Applicant is practicing medicine in accordance with generally accepted standards of medical practice; and

4) any indication that Applicant has violated a term of this Order.

16. If at any time the practice monitor believes Applicant is not in compliance with 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), C.R.S., the practice monitor shall immediately inform the Board.

17. Applicant shall nominate the practice monitor within 30 days of the effective date of this Order. Applicant shall insure that all reports by the practice monitor are complete and are submitted to the Board on time. If, in the Board's judgment, the practice monitor fails to perform the functions contemplated by this Order, the Board may require that a new practice monitor assume the responsibilities specified herein. If Applicant becomes aware that the practice monitor has ceased to perform the functions contemplated by this Order, Applicant shall nominate a new monitor within 30 days.

OTHER TERMS

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

19. Applicant shall obey all state and federal laws during the probationary period ordered herein.

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

21. If Applicant has complied with all the terms and conditions ordered herein, at the expiration of the period of probation, including any extension of the period of probation required by this paragraph, or by paragraph 9 above, the Board shall terminate the probation. However, the period of probation ordered herein shall be tolled by any period of time during which:

a. Applicant is not engaged in the clinical practice of medicine in Colorado;

b. Applicant is not being monitored as required by the terms of this Order; or

c. Applicant is not in compliance with any other term of this Order.

22. Applicant 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. Applicant presently holds privileges at the following hospitals:

23. 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

Board 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.

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

25. This Order shall be open to public inspection and shall be reported as required by law.

26. This Order shall become effective upon acceptance and signature by the Board.

Lisa G. Darton, MD
Applicant

2490 S. Quebec #E

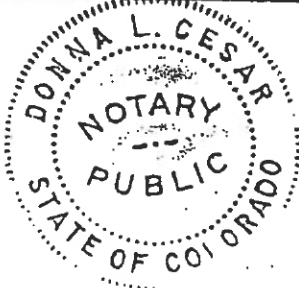
Denver, CO. 80231
Address

SUBSCRIBED AND SWORN to before me in the County of
Pueblo, State of Colorado, this 25th day of
June 1999.

Donna L. Cesar
NOTARY PUBLIC

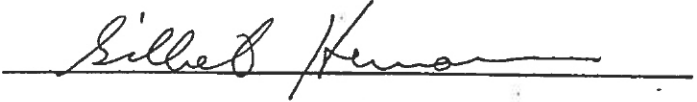
My Commission expires:

11-30-96



THE FOREGOING Stipulation and Final Agency Order is
approved and effective this 15 day of July, 1993.

FOR THE COLORADO STATE BOARD
OF MEDICAL EXAMINERS



APPROVED AS TO FORM:

FOR THE BOARD OF MEDICAL EXAMINERS

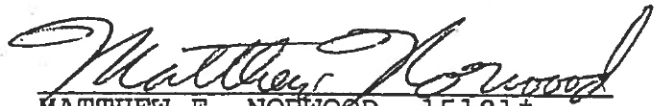
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BEFORE THE STATE BOARD OF MEDICAL EXAMINERS
STATE OF COLORADO

STIPULATION FOR INTERIM CESSATION OF PRACTICE

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF LISA ANN DARTON, M.D. LICENSE NUMBER 32930,
Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B ("Panel") of the Colorado State Board of Medical Examiners ("Board") and Lisa Ann Darton, M.D., ("Respondent") as follows:

1. Respondent was licensed to practice medicine in the state of Colorado on July 15, 1993, and was issued license number 32930, 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 August 15, 2007, the Panel reviewed information related to case number 2008-000266-B. That information raised concerns that Respondent may not be able to practice medicine with reasonable skill and safety to patients.
4. The parties have agreed to stay potential summary suspension proceedings pending Respondent's participation with any evaluations and/or treatment recommended by the Colorado Physician Health Program ("CPHP") and while CPHP and the Panel further review Respondent's ability to practice medicine safely. Therefore, the parties have agreed to enter this Stipulation for Interim Cessation of Practice ("Stipulation") pursuant to which the summary suspension is stayed while investigations and evaluations continue so that the Panel may determine what action, if any, is warranted.
5. Respondent agrees that she will not perform any act requiring a license issued by the Board while this Interim Stipulation is in effect.
6. Respondent agrees to cooperate fully with any examinations or evaluations recommended by CPHP, to undergo any treatment recommended and approved by CPHP, and to provide all necessary releases to CPHP to communicate freely with the Panel.
7. This Interim Stipulation shall remain in effect until such time as Respondent has completed any treatment recommended by CPHP and CPHP issues a report stating that Respondent is able to practice medicine safely without qualification, and until such time as the Panel has had an opportunity to review and approve such a CPHP report. The CPHP report shall be considered by the Panel at that meeting of the Panel for which the report has been timely submitted by the agenda deadline.
8. The Panel agrees that it will not institute summary suspension proceedings

while this Interim Stipulation is in effect so long as the Respondent remains in compliance with this Interim Stipulation and so long as the Panel does not learn of substantially new information that would indicate that summary suspension is warranted.

9. Nothing in this Interim Stipulation 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 Stipulation shall constitute final actions as defined in § 24-4-102(1), C.R.S.

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

11. The terms of this Interim Stipulation were mutually negotiated and determined.

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

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

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

None

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

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

17. This Interim Stipulation shall constitute a public record but is not reportable to the National Practitioner Data Bank or to the Healthcare Integrity Protection Data Bank.

Lisa Ann Darton, M.D.
LISA ANN DARTON, M.D.



The foregoing was acknowledged before me this 20th day of August 2007 by LISA ANN

Sharon K. Griffith
NOTARY PUBLIC

4-11-2011
Commission expiration date

THE FOREGOING Interim Stipulation for Interim Cessation of Practice is approved and effective this 21 day of August 2007.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS INQUIRY PANEL A

Cheryl K. Hara

APPROVED AS TO FORM:

FOR RESPONDENT

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BEFORE THE STATE BOARD OF MEDICAL EXAMINERS
STATE OF COLORADO

CASE NO. 2008-000266

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE
TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF LISA A. DARTON, M.D.,
LICENSE NO. 32930,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B ("Panel") of
the Colorado State Board of Medical Examiners ("Board") and Lisa A. Darton, M.D.
("Respondent") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on July 15, 1993, and was issued license no. 32930.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On November 16, 2007, the Panel reviewed case no. 2008-000266. The Panel thereupon referred the matter for further proceedings pursuant to § 12-36-118(4)(c)(IV), C.R.S.
4. 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 no. 2008-000266 without the necessity of holding a formal disciplinary hearing. 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.
5. Respondent understands that:
 - a. Respondent has the right to be represented by an attorney of the Respondent's choice, and is represented by counsel in this matter.
 - b. Respondent has the right to a formal disciplinary hearing pursuant to § 12-36-118(5), C.R.S.
 - c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a hearing, admits the facts contained in this Order, 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.

7. The Parties specifically agree that the terms of this Order are authorized by § 12-36-118(5)(g)(III) C.R.S.

8. Respondent specifically admits and agrees that:

a. Respondent suffers from a substance abuse disorder.

b. Respondent has failed to comply with her CPHP treatment plan.

9. Respondent admits that the conduct set forth above constitutes unprofessional conduct as defined in § 12-36-117(1)(i) and (o), C.R.S. and a violation of the First Order.

12-36-117. Unprofessional conduct.

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

(i) Habitual intemperance or excessive use of any habit-forming drug or any controlled substance as defined in section 12-22-303 (7);

(o) Such physical or mental disability as to render the licensee unable to perform medical services with reasonable skill and with safety to the patient;

10. Based upon the above, the Panel is authorized by § 12-36-118(5)(g)(III), C.R.S. to order disciplinary action that it deems appropriate.

INACTIVE LICENSE STATUS

11. Upon the effective date of this Stipulation and Final Agency Order, Respondent's license to practice medicine issued by the Board shall go into inactive status as defined in § 12-36-137, C.R.S. Following the inactivation of Respondent's license, Respondent shall perform no act requiring a license issued by the Board.

12. Upon Respondent's application to reactivate her license and resume the practice of medicine in Colorado, Respondent must obtain treatment monitoring by CPHP and comply with other conditions to be determined by the Board at the time of a request for reactivation.

13. In the event Respondent attempts to reactivate her license after being out of practice for more than two years, Respondent must obtain a Center for Personalized Education for Physicians ("CPEP") evaluation and comply with any education plan.

14. In the event Respondent attempts to reactivate her license the Panel may require Respondent to fulfill requirements that the Panel deems necessary to protect the public health, safety, and welfare. The parties agree that the Panel's decision regarding the need for such conditions shall be made at the sole discretion of the Panel. Respondent hereby waives the right to appeal the Panel's decision on this issue.

OTHER TERMS

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

16. 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.

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

None

18. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § 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 Panel as set forth in § 12-36-118(5)(g)(IV). This Order and all its terms also constitute a valid board order for purposes of § 12-36-117(1)(u), C.R.S.

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

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

21. This Order shall be effective upon signature by the Respondent. 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.

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

Lisa A. Darton, MD
LISA A. DARTON, M.D.

The foregoing was acknowledged before me this 31st day of December, 2007
by Lisa A. Darton, M.D.



Shaun K. Griffith
NOTARY PUBLIC

4-11-2011
My commission expires

THE FOREGOING Stipulation and Final Agency Order is approved and effective this
17th day of January, 2008.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS

INQUIRY PANEL B

Administrative
For the Board

APPROVED AS TO FORM:

[Signature]
Gary B. Blum, Esq.