

BEFORE THE COLORADO MEDICAL BOARD  
STATE OF COLORADO

CASE NO: 2011-000629-A

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**STIPULATION AND FINAL AGENCY ORDER**

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IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF BARBARA ROSE, M.D. LICENSE NUMBER DR-29903,

Respondent.

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

**JURISDICTION AND CASE HISTORY**

1. Respondent was licensed to practice medicine in the state of Colorado on November 9, 1989, and was issued license number DR-29903, 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 November 16, 2011, the Panel reviewed information relating to case number 2011-000629-A and determined that further proceedings by formal complaint were warranted pursuant to Section 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 number 2011-000629-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.
5. Respondent understands that:
  - a. Respondent has the right to be represented by an attorney of the Respondent's choice, and Respondent is so represented;
  - 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 hearing, acknowledges the factual basis 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

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

### **FACTUAL BASIS**

7. Respondent acknowledges and the Panel finds that, if the Panel were to prove the following factual allegations 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 these allegations:

a. Respondent has a physical or mental illness or condition that could impact her ability to perform a medical service with reasonable skill and with safety to patients.

b. Respondent has ceased the practice of medicine. At the time she ceased practice, Respondent did not report to the Board that she had a physical or mental illness or condition that could impact her ability to perform a medical service with reasonable skill and with safety to patients, because she did not realize the severity of her condition.

8. Respondent admits and the Panel finds that the conduct set forth above, if proven, constitutes unprofessional conduct as defined in Section 12-36-117(1)(o), C.R.S., which states:

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

(o) Failing to notify the board, as required by section 12-36-118.5(1), of a physical or mental illness or condition that impacts the licensee's ability to perform a medical service with reasonable skill and with safety to patients, failing to act within the limitations created by a physical or mental illness or condition that renders the licensee unable to perform a medical service with reasonable skill and with safety to the patient, or failing to comply with the limitations agreed to under a confidential agreement entered pursuant to section 12-36-118.5.

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

**PERMANENT LICENSE INACTIVATION**

10. Commencing on the effective date of this Order, Respondent's license to practice medicine will be placed on inactive status. The Board hereby waives the requirement of section 12-36-137, C.R.S., of a formal application, including supporting affidavit, for the transfer of a license to inactive status; and the entry of this Order shall be deemed equivalent to a grant of an application for inactive status under section 12-36-137, C.R.S.

11. Following inactivation of her license, Respondent shall not perform any act in the state of Colorado that constitutes the practice of medicine 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.

12. Respondent agrees not to apply for reactivation of her license, reinstatement of her license, or to apply for a new license issued by the Board at any time in the future. Respondent understands and acknowledges that she is permanently inactivating 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 she may be entitled pursuant to Section 12-36-118(5)(i), C.R.S. (2010) regarding application for licensure.

**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. 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

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17. 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.

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.

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

19. 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.

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

21. This Order shall be effective upon approval by the Panel and signature by a Panel member or other authorized person. 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 or other authorized person, 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. Additionally, this Order shall be reported the Federation of State Medical Boards, the National Practitioner Data Bank/Healthcare Integrity and Protection Data Bank and as otherwise required by law.

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Barbara Rose, MD  
BARBARA ROSE, M.D.

THE FOREGOING was acknowledged before me this 9 day of December,  
2011 by **Barbara Rose, M.D.**, in the County of Denver, State of Colorado.

Yolanda Pelsky  
NOTARY PUBLIC  
YOLANDA PELSKEY  
NOTARY PUBLIC  
My commission expires  
PUBLIC  
STATE OF COLORADO

My Commission Expires 04/27/2013

12<sup>th</sup> THE FOREGOING Stipulation and Final Agency Order is approved and effective this day of December, 2011.

FOR THE COLORADO MEDICAL BOARD  
INQUIRY PANEL A

  
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Dennis A. Phelps, M.D.

~~Chair~~

Program Director

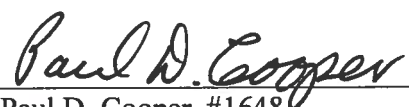
APPROVED AS TO FORM:

FOR BARBARA ROSE, M.D.

FOR THE COLORADO MEDICAL BOARD

COOPER & CLOUGH, P.C.

JOHN W. SUTHERS  
Attorney General

  
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