

BEFORE THE COLORADO MEDICAL BOARD

STATE OF COLORADO

CASE NO. 2015-4972-A

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF
SEVERANCE B. KELLEY, M.D., LICENSE NUMBER DR-16370,

Respondent.

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

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on January 13, 1970, and was issued license number DR-16370, which Respondent has held continuously since that date ("License").

2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.

3. On May 18, 2016, the Panel reviewed case number 2015-4972-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 2015-4972-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 Respondent's choice, and Respondent is represented by counsel in this matter;

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 formal complaint and disciplinary hearing, acknowledges the

factual basis as recited 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.

FACTUAL BASIS

6. Respondent acknowledges and the Panel finds that, if the Panel were to prove the following facts 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 the following allegations:

a. Respondent was practicing as a psychiatric consultant at Savio House in Denver, Colorado, at all relevant times herein.

b. From approximately May 2015 through November 2015, Respondent provided psychiatric care to patients A.L. and D.W.

c. Respondent prescribed psychiatric medications for A.L. and D.W. with dosages that were either too high or were increased too rapidly.

d. Respondent's prescribing practices for A.L. and D.W. were not within generally accepted standards of medical practice.

7. Respondent admits and the Panel finds that the acts or omissions described in the factual basis above, if proven, constitute unprofessional conduct pursuant to Section 12-36-117(1)(p), C.R.S., which states:

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

(p) Any act or omission which fails to meet generally accepted standards of medical practice.

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

RETIREMENT AND RELINQUISHMENT OF LICENSE

9. Respondent hereby retires from the practice of medicine. Commencing on the effective date of this Order, Respondent's License in the state of Colorado is hereby relinquished. Following the relinquishment of Respondent's License, Respondent shall perform no act requiring a license issued by the Board, nor shall Respondent perform any act in any other location pursuant to the authority of a License granted by the state of Colorado.

10. Respondent understands and acknowledges that he is permanently relinquishing a License in Colorado. Respondent agrees not to apply for renewal, reinstatement, reactivation, or issuance of a new license to practice medicine in Colorado at

any time in the future. Respondent specifically waives any right to which he may be entitled pursuant to Section 12-36-118(5)(i), C.R.S., regarding application for licensure.

OTHER TERMS

11. The terms of this Order were mutually negotiated and determined.
12. 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.
13. 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.
14. If Respondent is licensed by any other jurisdiction, Respondent shall report this Order to all other jurisdictions in which Respondent is licensed.
15. So that the Board may notify hospitals of this Order pursuant to section 12-36-118(13), C.R.S., Respondent presently holds privileges at or is employed by the following hospitals and facilities:
None

16. 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., except that it may not be appealed. 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.
17. This Order shall be admissible as evidence at any proceeding or future hearing before the Board.
18. 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.
19. During the pendency of any action arising out of this Order, the terms of this Order shall be deemed to be in full force and effect and shall not be tolled.

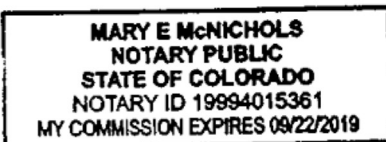
20. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

21. This Order shall be effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

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

Severance B. Kelley
SEVERANCE B. KELLEY, M.D.

THE FOREGOING was acknowledged before me this 17th day of August, 2016, by Severance B. Kelley, M.D., in the County of Denver, State of Colorado.



[Signature]
NOTARY PUBLIC

9/22/2019
My commission expires

THE FOREGOING Stipulation and Final Agency Order is approved this 8th day of September, 2016.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

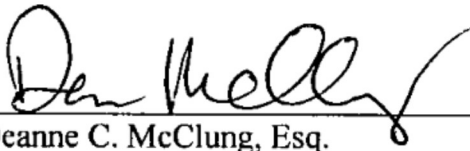
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BROCK M. BORDELON, M.D.
Chair, Inquiry Panel A

THE FOREGOING Stipulation and Final Agency Order is effective upon service to Respondent, on September 8, 2016.

[Signature]
Alicia Jackson

APPROVED AS TO FORM

FOR RESPONDENT

A handwritten signature in black ink, appearing to read "Deanne McClung", is written over a horizontal line.

Deanne C. McClung, Esq.

Mary K. Lanning, Esq.

Hall & Evans, LLC

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