

BEFORE THE COLORADO MEDICAL BOARD

STATE OF COLORADO

Case No. 2015-5003-A

FINAL BOARD ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS REGARDING GORDON L. NELIGH III, LICENSE #DR-28042

Respondent.

The Colorado Medical Board, pursuant to and after formal proceedings before a duly qualified Administrative Law Judge ("ALJ") in accordance with the provisions of 12-36-101, et al., of the Colorado Revised Statutes ("Act") and the Administrative Procedures Act ("APA"), and having reviewed the ALJ's Initial Decision, hereby enters the following findings and order:

1. Respondent Gordon L. Neligh III ("Respondent") was served with a Notice of Charges on January 5, 2017.
2. A Motion for Entry of Default was filed on February 14, 2017; the ALJ's Entry of Default was mailed on March 6, 2017.
3. The Initial Decision of the ALJ was rendered and received by the Board on May 8, 2017. A copy of the Initial Decision is attached to this Order. The Initial Decision, as modified by this Order, is incorporated herein by reference.
4. The Initial Decision was served on Respondent and the Board's prosecuting attorney on May 11, 2017, via first-class mail and electronic mail.
5. Neither the Board's prosecuting attorney nor Respondent filed exceptions.
6. Upon review of the Initial Decision and Record, the Board hereby:
 - a. Accepts Findings of Fact as set forth in their entirety.
 - b. Adopts Conclusions of Law as set forth in their entirety.

c. Adopts the ALJ's recommended sanction of Revocation.

IT IS THEREFORE ORDERED by the Board that Respondent's license to practice medicine in the state of Colorado is hereby REVOKED from the effective date of this Final Board Order. The Final Board Order is hereby effective upon signature. Any party adversely affected or aggrieved by any agency action may commence an action for judicial review before the Court of Appeals within forty-nine (49) days after such action becomes effective. Reference sections 24-4-106(11) and 12-36-119, C.R.S.

SO ORDERED this 15th day of June, 2017.

FOR THE COLORADO MEDICAL BOARD
HEARINGS PANEL B

Ty T. Higgins
MEMBER

[Signature]
MEMBER

Judith F. Schubert
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

MEMBER

STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 1525 Sherman Street, 4 th Floor, Denver, Colorado 80203	▲ COURT USE ONLY ▲
COLORADO MEDICAL BOARD, Petitioner, vs. GORDON LEIGH NELIGH, III, M.D., License No. DR-28042, Respondent.	
INITIAL DECISION UPON DEFAULT	

This case is a disciplinary proceeding before the Colorado Medical Board ("Board") involving the medical license of Gordon Leigh Neligh, III M.D. ("Respondent"). Inquiry Panel A ("Panel") of the Board was represented by Ashley Moller Klein, Senior Assistant Attorney General and Amy Meiburg, Assistant Attorney General, Fellow. Respondent did not appear in this proceeding. Based upon Respondent's failure to file a timely answer, an Entry of Default was issued on March 6, 2017. Respondent then had ten days to show good cause why the default should be set aside. *Section 24-4-105(2)(b), C.R.S.* No motion to set aside the default was filed and this matter became ready for issuance of an initial decision upon default.

FINDINGS OF FACT

Procedural Facts

1. Respondent was licensed to practice medicine in the state of Colorado on April 9, 1987, and was issued license number DR-28042.
2. On January 5, 2017, the Panel filed its Formal Complaint of the Attorney General, Notice of Duty to Answer, Notice to Set, and Notice of Hearing ("Formal Complaint") against Respondent in the above-referenced matter.
3. Pursuant to Section 24-4-105, C.R.S., the Formal Complaint was sent by first class mail to Respondent's last known address of record on file with the Board. The Formal Complaint was also sent to Respondent's last known email address of record on file with the Board.

4. Respondent's answer to the Formal Complaint was due on or before February 6, 2017.

5. The Formal Complaint set forth that Respondent's failure to respond to the Formal Complaint within 30 days could result in a default decision issued against Respondent's license to practice medicine in the State of Colorado.

6. On February 14, 2017, a setting conference was conducted to schedule this matter for a hearing on the merits.

7. Respondent has not filed an Answer to the Formal Complaint, and Respondent failed to participate in the February 14, 2017 setting conference.

8. Pursuant to Section 24-4-105(2)(b), C.R.S., the Panel filed a Motion for Entry of Default on February 14, 2017.

9. On February 14, 2017, the Panel sent its Motion for Entry of Default via first class mail to Respondent's last known address and email address of record on file with the Board. Respondent did not file a response to the motion.

10. On March 6, 2017 the Office of Administrative Courts mailed the Entry of Default to the Respondent via first class mail. Respondent did not file a response to this Court's order to show cause to set aside the entry of default.

11. Respondent is deemed to have admitted the allegations of the Formal Complaint which are incorporated herein.

Underlying Facts

I. General Allegations

12. On April 30, 2015, Respondent's license expired.

13. On June 29, 2015, Respondent's sixty-day grace period for renewing his license expired pursuant to Section 24-34-102(8)(c), C.R.S.

14. Respondent has not applied for renewal or reinstatement.

15. On December 11, 2015, the Board received a complaint that Respondent was practicing with an expired license.

II. Respondent's Practice of Medicine with an Expired License

16. On October 19, 2015, Respondent treated Patient 1 and prescribed Ritalin 20mg.

17. On October 27, 2015, Respondent treated Patient 1.
18. On November 10, 2015, Respondent treated Patient 1 and prescribed Ritalin 20mg.

CONCLUSIONS OF LAW

1. Respondent engaged in the practice of medicine as defined in Section 12-36-106(1)(b), C.R.S.
2. During the time Respondent treated Patient 1, in October and November 2015, Respondent's license was expired, and Respondent was ineligible to practice medicine.
3. Ritalin is a Schedule II controlled substance pursuant to Sections 18-18-102(5) and 18-18-204(2)(c)(IV), C.R.S.
4. The Board is empowered to impose disciplinary action against Respondent for practicing with an expired license pursuant to Section 24-34-102(8), C.R.S.
5. Respondent has received timely notice of the time, place, and nature of this hearing; of all matters of fact and law asserted; and of all matters required by Section 24-4-105(2)(a), C.R.S., in the manner required by that section.
6. The Board has jurisdiction over Respondent and over his license to practice medicine in the State of Colorado.

COUNT I: Violation of Section 12-36-117(1)(gg) **Unprofessional Conduct – Failure to Respond to a Complaint**

7. Respondent engaged in unprofessional conduct pursuant to Section 12-36-117(1)(gg), C.R.S. by one or more of the following:
 - a. Failing to respond in an honest, materially responsive, and timely manner to a complaint issued pursuant to Section 12-3-118(4).
8. Respondent's violations of Section 12-36-117(1)(gg), C.R.S. constitute unprofessional conduct, and are subject to discipline pursuant to Section 12-36-118(5), C.R.S.

COUNT II: Violation of Section 12-36-117(1)(n) **Violation of any Provision or Term of the Medical Practice Act**

9. Respondent engaged in unprofessional conduct pursuant to Section 12-36-

117(1)(n), C.R.S., by one or more of the following:

- a. Practicing medicine without a valid license pursuant to Section 12-36-106(2); and
- b. Practicing medicine during a period of time when he was ineligible to practice medicine pursuant to Section 24-34-102(8).

10. Respondent's violations of Section 12-36-117(1)(n), C.R.S. constitute unprofessional conduct, and are subject to discipline pursuant to Section 12-36-118(5), C.R.S.

COUNT III: Violation of Section 12-36-117(1)(g)

Prescribing a Controlled Substance other than in a Legitimate Professional Practice

11. Respondent engaged in unprofessional conduct pursuant to Section 12-36-117(1)(g), C.R.S., by the following:

- a. Prescribing a Schedule II controlled substance during a period of time when the Respondent's license was expired.

12. Respondent's violation of Section 12-36-117(1)(g), C.R.S. constitutes unprofessional conduct, and is subject to discipline pursuant to Section 12-36-118(5), C.R.S.

INITIAL DECISION

When the Board has proven that a licensee has violated the Medical Practice Act, Sections 12-36-101 to 142, C.R.S., it may impose discipline in the form of a suspension or revocation of the license, or it may issue a letter of admonition. *Section 12-36-118, C.R.S.* The Panel seeks revocation of Respondent's license to practice medicine. Respondent did not appear in this matter to present any mitigating factors. There is no information before the Administrative Law Judge indicating that some sanction other than revocation of Respondent's license to practice medicine is appropriate in this case. Respondent's failure to appear demonstrates a lack of interest in maintaining her Colorado licensure.

It is therefore the Initial Decision of the Administrative Law Judge that Respondent's license to practice medicine be revoked.

DONE AND SIGNED

May 8, 2017



KEITH J. KIRCHUBEL
Administrative Law Judge