

BEFORE THE COLORADO MEDICAL BOARD  
STATE OF COLORADO

CASE NO. 2016-238-B

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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  
HARRY EVAN TAUB, M.D., LICENSE NUMBER DR-51268,

Respondent.

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IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B  
("Panel") of the Colorado Medical Board ("Board") and Harry Evan Taub, 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 May 16, 2012 and was issued license number DR-51268, 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 or about January 8, 2016, the Panel voted to summarily suspend Respondent's license to practice medicine, effective at 4:00pm on January 13, 2016, pursuant to Section 24-4-104(4) C.R.S.
4. On or about January 21, 2016, the Panel voted to sustain the Order of Suspension pursuant to Section 24-4-104(4), C.R.S., and determined that further proceedings by formal complaint were warranted pursuant to Section 12-36-118(4)(c)(IV), C.R.S. The Panel thereupon referred the matter to the Attorney General pursuant to Section 12-36-118(4)(c)(IV), C.R.S.
5. 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 2016-238-B, 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.

6. Respondent understands that:

a. Respondent has the right to be represented by an attorney of the Respondent's choice and Respondent is represented by counsel;

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, 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. Respondent specifically admits and the Panel finds that:

a. On June 8, 2001, Respondent was issued a resident's Training License to practice medicine in the State of North Carolina.

b. On January 22, 2004, Respondent entered into a Consent Order with the North Carolina Medical Board, wherein an indefinite suspension of his North Carolina medical license was stayed on certain terms and conditions, including five years participation in the North Carolina Physician Health Program ("NCPHP") and refraining from use or possession of all mind or mood-altering substances, controlled substances, sedatives, stimulants and pain medications.

c. On April 28, 2006, Respondent entered into an Amended Consent Order with the North Carolina Medical Board. Respondent was issued a full and unrestricted license to practice

medicine on the condition that he maintain his five years of participation in the NCPHP and refrain from use or possession of all mind or mood-altering substances, controlled substances, sedatives, stimulants and pain medications.

d. On October 29, 2007, the North Carolina Medical Board entered an Order wherein Respondent was relieved of any continuing obligations set forth in the previous Consent Orders.

e. On August 22, 2008, the North Carolina Medical Board entered a Consent Order indefinitely suspending Respondent's North Carolina medical license.

f. On March 22, 2011, Respondent applied for a Colorado license to practice medicine.

g. On May 16, 2012, Respondent was granted a medical license subject to the terms of a Licensing Stipulation and Final Agency Order ("Licensing Order"). Pursuant to the Licensing Order, Respondent was placed on probation for five years, during which time Respondent was required to notify the Board of any offers of employment, undergo treatment monitoring by CPHP, maintain a prescription log, undergo practice monitoring by CPEP, and abstain from alcohol and any habit-forming or controlled substance.

h. On July 22, 2013, Respondent and the Board entered into a Second Stipulation and Final Agency Order ("Second Order") imposing discipline upon Respondent. Respondent was placed on probation for five years, with the following terms: CPHP treatment monitoring, abstinence from alcohol and any habit-forming or controlled substance, the keeping of a prescription log, a supervising workplace mentor and practice monitor, a CPEP Education Program and Quality Review, and a prohibition against making medical marijuana assessments and recommendations.

i. Both the Licensing Order and the Second Order provided that Respondent's license would be automatically and immediately revoked if he failed to comply with any term of CPHP, CPEP, the workplace monitor, or the quality reviewer while on probation or self-prescribed any psycho-active substance, schedule III or above drugs while licensed.

j. Between April and December 2015, while still on probation pursuant to the Second Order, Respondent failed to

remain abstinent from alcohol and controlled substances.

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

“Unprofessional conduct” as used in this article means:

...

(i) Habitual or excessive use or abuse of alcohol, a habit-forming drug, or a controlled substance as defined in section 18-18-102 (5), C.R.S.;

...

(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;

...

(u) Violation of any valid board order or any rule or regulation promulgated by the board in conformance with law[.]

9. 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.

#### **NON-PERMANENT RELINQUISHMENT OF LICENSE**

10. Commencing on the effective date of this Order, Respondent’s License in the State of Colorado is deemed relinquished. Following 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.

11. After Respondent’s License is deemed relinquished pursuant to this Order, Respondent shall not be entitled to apply for renewal, reinstatement, or reactivation of License until after he has been issued a new license by the Board.

12. Respondent agrees that he shall not be entitled to apply for a new License issued by the Board within two years of the effective date of this Order.

13. After two years from the effective date of this Order, Respondent may apply for a new License consistent with Sections 12-36-107 and 12-36-111, C.R.S. Such request must be accompanied by a report from the Colorado Physician Health Program ("CPHP") indicating that Respondent is safe to practice medicine and otherwise meets the qualifications for licensure. Respondent shall be required to complete an educational assessment by the Center for Personalized Education for Physicians ("CPEP"). Additionally, Respondent will be required to demonstrate continued competency pursuant to Section 24-34-102(8)(d)(II), C.R.S., and any related Board rules and/or policies, and will also be required to comply with any other statutory or regulatory requirement related to reinstatement. Respondent understands and agrees that if he applies for a new license, the Panel may, in its discretion, deny application. Alternatively, the Panel may, in its discretion, require Respondent to fulfill additional requirements that the Panel deems necessary to protect the public health, safety and welfare. These requirements may include, but are not limited to, submitting to a mental and/or physical examination and/or evaluation by physicians designated by the Board, a probationary period, treatment monitoring, an educational assessment, and practice monitoring. The Parties agree that the Panel's decision regarding such application and requirements shall be made at the sole discretion of the Panel. Respondent waives the right to appeal the Panel decision on additional requirements.

#### OTHER TERMS

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

15. 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.

16. 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.

17. If Respondent is licensed by any other jurisdiction, Respondent shall report this Order to all other jurisdictions in which Respondent is licensed.

18. Respondent shall submit an update to his profile with the Healthcare Professions Profiling Program regarding this Order within thirty (30) days of the effective date of this Order.

19. 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:

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20. 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.

21. This Order shall be admissible as evidence at any proceeding or future hearing before the Board.

22. 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.

23. 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.

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

25. 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.

26. 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 to the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.

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*Harry Evan Taub, M.D.*

Harry Evan Taub, M.D.

THE FOREGOING was acknowledged before me this 25 day of  
February, 2016 by Harry Evan Taub, M.D. in the County of  
Denver, State of Colorado.

*Dianne R. Noah*

NOTARY PUBLIC

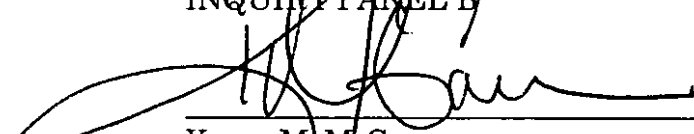
8.5.2019

My commission expires

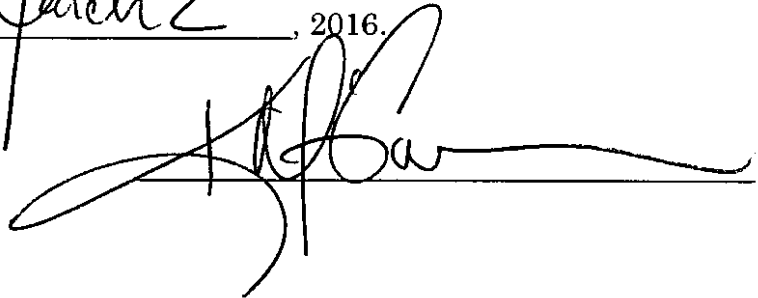
DIANNE R. NOAH  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20034026094  
MY COMMISSION EXPIRES AUGUST 5, 2019

THE FOREGOING Stipulation and Final Agency Order is approved this 2<sup>nd</sup>  
day of March, 2016.

FOR THE COLORADO MEDICAL BOARD  
INQUIRY PANEL B

  
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Karen M. McGovern  
Program Director  
*Delegated Authority to Sign by Inquiry Panel*

THE FOREGOING Stipulation and Final Agency Order is effective upon  
service to Respondent, on March 2, 2016.

  
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APPROVED AS TO FORM:

FOR THE RESPONDENT  
HARRY EVAN TAUB, M.D.

FOR THE COLORADO MEDICAL  
BOARD

GERASH STEINER



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