

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NOS. 2016-3811-A and 2016-5988-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 JOAN
RACHEL SHAPIRO, M.D., LICENSE NUMBER DR-21274,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A
("Panel") of the Colorado Medical Board ("Board") and Joan Rachel Shapiro, 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 October 11, 1977 and was issued license number DR-21274, 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 May 17, 2017, the Panel reviewed case numbers 2016-3811-A and 2016-5988-A 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 Office of Expedited Settlement for resolution of this matter prior to referral to the Attorney General. The Panel thereupon referred the matter to the Attorney General 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 numbers 2016-3811-A and 2016-5988-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 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 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.

6. Respondent specifically admits and the Panel finds that:

a. Respondent has provided ongoing psychiatric care to Patient 1 for approximately twenty years.

b. Respondent prescribed long-term opioids, benzodiazepines, sedating muscle relaxants, and other psychotropic medications, some of which result in counteracting effects, to Patient 1. These medications were prescribed in high dosages

c. Respondent did not refer Patient 1 to a pain management specialist.

d. Respondent failed to implement a safety plan for Patient 1.

e. Respondent's documentation was substandard. Specifically, Respondent failed to document an appropriate evaluation of Patient 1's pain, monitoring of lab results or vital signs, ongoing monitoring of the PDMP, screening or evaluation for a possible substance use disorder, the side effects of high-dose and multiple scheduled medications, the benefits of using the medications prescribed, reference to medical chart review, or consultations with Patient 1's other providers.

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

(1) "Unprofessional conduct" as used in this article 36 means:

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

8. 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.

LETTER OF ADMONITION

9. This provision shall constitute a Letter of Admonition as set forth in Sections 12-36-118(4)(c)(III)(A) and 12-36-118(5)(g)(III), C.R.S. Respondent is hereby admonished for the acts and omissions described in the factual basis above.

10. By entering this Order, Respondent agrees to waive the rights provided by Section 12-36-118(4)(c)(III)(B), C.R.S., to contest this Letter of Admonition.

VANDERBILT PRESCRIBING COURSE

11. Respondent shall enroll in and successfully complete the continuing medical education course titled *Prescribing Controlled Drugs* offered by Vanderbilt University School of Medicine and the Center for Personalized Education for Physicians ("Prescribing Course"). Respondent shall be solely responsible to enroll and pay for the Prescribing Course.

12. Respondent shall sign any and all releases necessary to allow the course instructors to communicate with the Panel directly. Respondent shall not revoke such releases. Any failure to execute such a release or any revocation of such a release shall constitute a violation of this Order.

13. In order to successfully complete the Prescribing Course, Respondent's participation in the course must be rated as successful, without condition or qualification. The Board in its discretion may impose further remedial coursework if the Respondent receives a conditional pass or negative assessment.

14. Within one year of the effective date of this Order, Respondent shall provide the Panel with written proof of Respondent's successful completion of the Prescribing Course.

OUT OF STATE PRACTICE

15. Respondent may wish to leave Colorado and practice in another state. At any time other than during a period of suspension imposed by this Order, and whether to practice out of state or for any other reason, Respondent may request, in writing, that the Board place Respondent's license on inactive status as set forth in

Section 12-36-137, C.R.S. Respondent's request to place her license on inactive status must include written evidence that Respondent has reported this Order to all other jurisdictions in which Respondent is licensed, as required by the "Other Terms" Section of this Order. Upon the approval of such request, Respondent may cease to comply with the terms of this Order. Failure to comply with the terms of this Order while inactive shall not constitute a violation of this Order. While inactive, Respondent shall not perform any act in the state of Colorado that constitutes the practice medicine, nor shall Respondent perform any act in any other jurisdiction pursuant to the authority of a license to practice medicine granted by the state of Colorado. Unless Respondent's license is inactive, Respondent must comply with all terms of this Order, irrespective of Respondent's location.

16. Respondent may resume the active practice of medicine at any time pursuant to written request and as set forth in Section 12-36-137(5), C.R.S.

OTHER TERMS

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

18. 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.

19. 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.

20. If Respondent is license by any other jurisdiction, Respondent shall report this Oder to all other jurisdictions in which Respondent is licensed.

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

22. Respondent shall obey all state and federal laws while the terms of this Order are in effect.

23. 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:

24. This Order and all its terms shall have the same force and effect as an order entered after a formal 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.

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


26. 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.

27. 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.

28. 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.

29. 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.

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

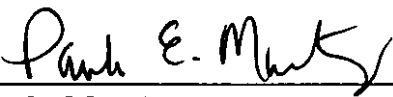


Jean Rachel Shapiro, M.D.

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THE FOREGOING Stipulation and Final Agency Order is approved this 15
day of May, 2019.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A



Paula Martinez
Program Director
Delegated Authority to Sign by Inquiry Panel A

THE FOREGOING Stipulation and Final Agency Order is effective upon
service to Respondent, on May 17th, 2019.



APPROVED AS TO FORM:

FOR THE RESPONDENT
JOAN RACHEL SHAPIRO, M.D.

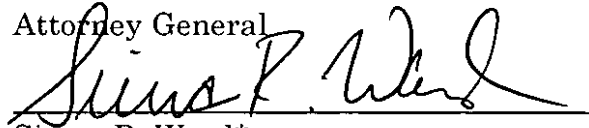
FOR THE COLORADO MEDICAL
BOARD

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