

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NO. 2016-4275-B and 2015-5519-B

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF DAVID
U. CASTER, M.D., LICENSE NUMBER DR-19959,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B
("Panel") of the Colorado Medical Board ("Board") and David U. Caster, 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 April 13, 1976 and was issued license number DR-19959, which Respondent has held continuously since that date. Respondent has had no previous formal discipline.

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

3. On April 20, 2017, the Panel reviewed case number 2016-4275-B and 2015-5519-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 number 2016-4275-B and 2015-5519-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 formal complaint and disciplinary hearing 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. The 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 specifically denies the following allegations, wishing instead to retire from the practice of medicine:

- a. Respondent provided psychiatric treatment to Patient A from approximately March 2009 through the present.
- b. Respondent failed to obtain pertinent records from or communicate with Patient A's other treating providers.
- c. Respondent inappropriately prescribed phentermine to Patient A to treat the side effects of Patient A's anti-psychotic medications.
- d. Respondent failed to address or failed to document how he addressed Patient A's substance use disorders.
- e. Respondent and Patient A met and Patient A signed an affidavit regarding Respondent's treatment and care which was provided to the Board.
- f. Respondent provided psychiatric treatment for Patient B from approximately June to November 2016.

- g. The dosage of Adderall prescribed by Respondent for Patient B was too high. Respondent failed to diagnose Patient B with Attention Deficit Disorder.
- h. Respondent prescribed an additional stimulant, Provigil, for Patient B without closely monitoring Patient B to determine how such high doses of stimulants were affecting Patient B.
- i. Respondent increased Patient B's dosage of lithium to offset the potential effect of Patient B's high dosage of Adderall, rather than adjusting the dosage of Adderall.
- j. Despite receiving independent information that Patient B was possibly abusing Adderall, Respondent did not obtain prescription information from the Colorado Prescription Drug Monitoring Program Database ("PDMP").

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 voluntarily retires from the practice of medicine, wishing not to participate in a contested matter. 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 and voluntarily 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. 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.
16. Respondent shall not assess a patient for or certify a patient to the Colorado Medical Marijuana Program. Respondent agrees that he shall not certify to the state health agency that a patient has a debilitating medical condition or that the patient may benefit from the use of medical marijuana.
17. 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:

_____NA_____
18. 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. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.
19. This Order shall be admissible as evidence at any future hearing before the Board.
20. 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.


21. 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.

22. 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.

23. This Order shall be effective upon 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.

24. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's 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.

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David U. Caster, M.D.

DATE

THE FOREGOING Stipulation and Final Agency Order is approved this 20th
day of May, 2019.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL B

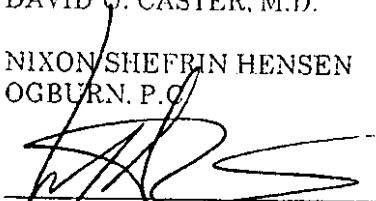
Ty T. Higuchi
Ty T. Higuchi, Ph.D., M.D.
Chair, Inquiry Panel B

THE FOREGOING Stipulation and Final Agency Order is effective upon
service to Respondent, on May 20th, 2019.

APPROVED AS TO FORM:

FOR THE RESPONDENT
DAVID U. CASTER, M.D.

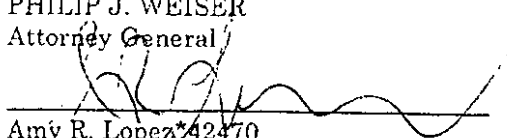
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