

January 24, 2020

David H. Averbach, M.D.

Re: License Number: DR.0044361
Case Number: 2019-6988 - PANEL B

Dear Dr. Averbach,

The Colorado Medical Board has concluded its inquiry into the aforementioned matter. It was the Panel's decision not to commence with formal proceedings against your professional license. However, the Panel did determine disciplinary action in the form of this letter of admonition is warranted.

As you recall, in September 2019, you entered a consent order in the State of Michigan regarding your license to practice medicine. You entered the consent order after it was discovered that you had prescribed controlled substances to a minor relative. The consent order placed your Michigan license on probation, required a physician review of your practice, imposed a fine, and mandated that you undergo an evaluation with Michigan's peer assistance program.

After a review of all the information in this matter, the Panel found that your prescribing of controlled substances to a relative fell below generally accepted standards of medical practice and resulted in discipline in another state, constituting unprofessional conduct in violation of section 12-240-121 of the Colorado Revised Statutes.

By this letter, the Board takes the formal disciplinary action of admonishing you for the conduct specified above, and warns you that repetition of such practice may lead to imposition of more severe disciplinary action. This letter is an open public record and a reportable action to individuals or entities requesting disciplinary information. The Board strongly encourages you to review and understand the Medical Practice Act requirements and obligations for the practice of medicine in Colorado.

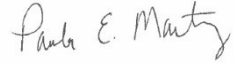
In accordance with 12-20-404(4)(b), the Board advises you that you have the right to make a written request that the Board initiate formal disciplinary proceedings in order to adjudicate the conduct or acts upon which this letter is based. You must make your written request within twenty (20) days after receipt of this letter and address your request to Paula Martinez, Program Director, at the email address listed below. If you make a timely request, the Board will deem this letter of admonition vacated and may proceed with disciplinary and/or injunctive proceedings in accordance with 12-20-404(4)(b)(II), C.R.S., and applicable rules.

A Letter of Admonition, when accepted, becomes a permanent, public portion of your record. It is not, however, a restriction on your practice as a professional physician.

If you have further questions or concerns, please visit our website at <https://www.colorado.gov/dora/dpo> or you can contact our office at dora_medicalboard@state.co.us or by calling (303) 894-7800.

Sincerely,

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL B



Paula E. Martinez
Program Director

PEM/bvm

cc: Jesse A. Markos

Please complete a short survey at <https://www.surveymonkey.com/r/B5JR27T> regarding aspects of the service you received. Your anonymous response will be used to evaluate the service experience and to identify areas where improvements may be appropriate.

Notice

Your Healthcare Professions Profile will be updated to reflect this Colorado public action. Pursuant to section 24-34-110, C.R.S., your profile must be updated within 30 days of any reportable event. To ensure compliance, you must regularly review and update your profile. To access your profile, go to www.colorado.gov/dora/hppp and click the "Create/Update a Profile" link. For any questions, please contact dora_dpo_hppp@state.co.us.