

BEFORE THE COLORADO MEDICAL BOARD

STATE OF COLORADO

CASE NO. 2020-223-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 CHERYL ANN CLARK, M.D., LICENSE NUMBER DR-27073,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B (“Panel”) of the Colorado Medical Board (“Board”) and Cheryl Ann Clark, 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 10, 1985 and was issued license number DR-27073 (“License”), 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 March 19, 2020, the Parties entered into an Interim Cessation of Practice Agreement (“Interim Agreement”) in lieu of summary suspension pursuant to Section 24-4-104(4), C.R.S. This Interim Agreement remains in effect until such time as a Final Board Order becomes effective in this case.

4. On **August 21, 2020**, the Panel reviewed case number 2020-223-B and determined that further proceedings by formal complaint were warranted pursuant to Section 12-240-125(4)(c)(V), C.R.S. The Parties have agreed to resolution of this matter prior to referral to the Attorney General.

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 2020-223-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 in this matter;

b. Respondent has the right to a formal complaint and disciplinary hearing pursuant to Sections 12-240-125(4)(c)(V) and 12-240-125(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.

FACTUAL BASIS

7. Respondent specifically admits and the Panel finds that:

- a. On or about March 13, 2020, Respondent underwent an interim evaluation at the Colorado Physician Health Program ("CPHP"). CPHP concluded that Respondent was not safe to practice medicine with reasonable skill and safety to patients.
- b. On or about March 19, 2020, Respondent entered into a voluntary, non-disciplinary Interim Cessation of Practice Agreement with the Panel.
- c. On or about July 10, 2020, Respondent underwent a full evaluation at CPHP. CPHP again concluded that Respondent is not safe to practice medicine with reasonable skill and safety to patients.
- d. On or about January 15, 2021, CPHP reported that Respondent had undergone a repeat neuropsychological evaluation in October 2020 the results of which confirmed the diagnosis of a mild neurocognitive disorder. CPHP again concluded that respondent is not safe to practice medicine with reasonable skill and safety to patients.
- e. Respondent has a physical or mental illness or condition that renders Respondent unable to perform a medical service with reasonable skill and with safety to patients.

8. Respondent admits and the Panel finds that the acts and/or omissions described in the factual basis above constitutes unprofessional conduct pursuant to Section 12-240-121(1)(i) C.R.S., which states:

(1) Unprofessional conduct" as used in this article 240 means:

(i) Failing to notify the board, as required by section 12-30-108(1), of a physical illness, physical condition or behavioral, mental health, or substance use disorder that impacts the licensee's ability to perform a medical service with reasonable skill and safety to patients; failing to act within the limitations created by a physical illness, physical condition or behavioral, mental health, or substance use disorder that renders the licensee unable to perform a medical service with reasonable skill and safety to the patient; or failing to comply with the limitations agreed to under a confidential agreement entered into pursuant to section 12-30-108 and 12-240-126.

9. Based upon the above, the Parties stipulate that the terms of this Order are authorized by Section 12-240-125(5)(c)(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 her License until after she has been issued a new license by the Board.

12. Respondent agrees that she 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 12-240-110 and 12-240-115, 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/she applies for a new license, the Panel may, in its discretion, deny his/her 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. So that the Board may notify hospitals of this agreement pursuant to section 12-240-12(11), C.R.S., Respondent presently holds privileges at or is employed by the following hospitals and facilities:

19. 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 12-240-125(5)(c)(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 12-240-125(5)(c)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of section 12-240-121(1)(n), C.R.S.

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

21. 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.

22. 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.

23. 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.

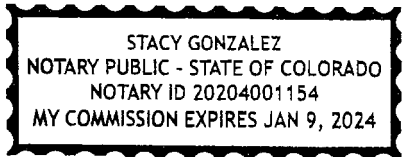
24. This Order shall be effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

25. 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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Cheryl Ann Clark, M.D.
CHERYL ANN CLARK, M.D.

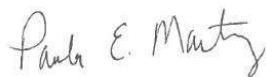
THE FOREGOING was acknowledged before me this 23 day of
November, 2021 by Cheryl Ann Clark, M.D., in the County of
Denver, State of COLORADO.



Stacy
My commission expires _____

THE FOREGOING Stipulation and Final Agency Order is approved this 29th day
of November 2021.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL B



Paula E. Martinez
Program Director
Delegated Authority to Sign by Inquiry Panel

THE FOREGOING Stipulation and Final Agency Order is effective upon service
to Respondent, on __November 29__, 2021.



APPROVED AS TO FORM

FOR RESPONDENT

A handwritten signature in black ink, appearing to read "Eric Steiner", written over a horizontal line.

Eric Steiner

Gerash Steiner Attorneys & Counselors
at Law

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