

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO
CASE NO: 2012-004188-A

INTERIM CESSATION OF PRACTICE AGREEMENT

IN THE MATTER OF THE LICENSE TO PRACTICE MEDICINE AS A PHYSICIAN IN
THE STATE OF COLORADO OF ROBERT BACHUS, M.D., LICENSE NO. DR-44533

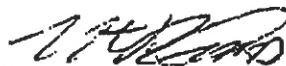
Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") and Robert Bachus, M.D. ("Respondent") (collectively "the parties") as follows:

1. Respondent was licensed to practice medicine in the state of Colorado on April 18, 2006, and was issued license number DR-44533, 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 July 12, 2012, the Panel reviewed materials relating to case number 2012-004188-A. The Panel reviewed information that Respondent had been arrested in Colorado in 2009 for Driving While Ability Impaired and had a history of not maintaining sobriety from alcohol. The Panel reviewed a report from the Colorado Physician Health Program finding that from a medical/psychiatric perspective, Respondent currently was not safe to practice medicine with reasonable skill and safety to patients.
4. Based upon the information and the totality of the circumstances, the Panel had objective and reasonable grounds to believe and found that the public health, safety or welfare imperatively required emergency action. Accordingly, the Panel found grounds for summary suspension but authorized the parties to enter into an agreement for Respondent not to practice.
5. In lieu of summary suspension pursuant to section 24-4-104(4), C.R.S., the parties have agreed to enter this Interim Cessation of Practice Agreement ("Interim Agreement") pending further evaluation and investigation of Respondent's practice to determine what further actions, if any, are warranted. Any summary suspension is hereby stayed pursuant to the terms of this Interim Agreement.

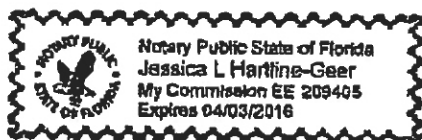
6. Respondent agrees that he will not perform any act requiring a license issued by the Board while this Interim Agreement is in effect.
7. This Interim Agreement shall remain in effect until such time as the parties reach a final disposition of this case or, in the event additional summary suspension proceedings are initiated, until such time as an order for summary suspension enters.
8. The Panel agrees that it will not institute summary suspension proceedings while this Interim Agreement is in effect so long as the Respondent remains in compliance with this Interim Agreement and so long as the Panel does not learn of new information that would indicate that summary suspension is warranted.
9. Nothing in this Interim Agreement shall constitute disciplinary action, a finding that Respondent has engaged in unprofessional conduct, or any admission by Respondent of unprofessional conduct. There have been no final determinations regarding Respondent's professional competence or professional conduct. Nothing in this Interim Agreement shall constitute final actions as defined in section 24-4-102(1), C.R.S.
10. Nothing in this Interim Agreement shall preclude the Panel from initiating disciplinary action pursuant to section 12-36-118, C.R.S., or issuing a Final Agency Order while this Interim Agreement is in effect.
11. Respondent understands that Respondent has the right to be represented by counsel of Respondent's choice in this matter, and Respondent is represented by counsel.
12. The terms of this Interim Agreement were mutually negotiated and determined.
13. Both parties acknowledge that they understand the legal consequences of this Interim Agreement, both parties enter into this Interim Agreement voluntarily, and both parties agree that no term or condition of this Interim Agreement is unconscionable.
14. This Interim Agreement and all its terms constitute a valid board order for purposes of section 12-36-117(1)(u), C.R.S.
15. So that the Board may notify hospitals of this Interim Agreement, Respondent presently holds privileges at the following hospitals:
None
16. Invalidation of any portion of this Interim Agreement by judgment or court order shall in no way affect any other provision, which provision shall remain in full force and effect.


17. This Interim Agreement shall be effective upon signature by Respondent. Respondent acknowledges that the Panel may choose not to accept the terms of this Interim Agreement and that if the Interim Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.
18. This Interim Agreement 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 Interim Agreement.
19. All costs and expenses incurred by Respondent to comply with this Interim Agreement shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.
20. This Interim Agreement shall constitute a public record but is not reportable to the National Practitioner Data Bank or to the Healthcare Integrity Protection Data Bank.



Robert Bachus, M.D.

THE FOREGOING was acknowledged before me this 13 day of July, 2012 by Robert Bachus, M.D. in the County of Alachua, State of Florida.

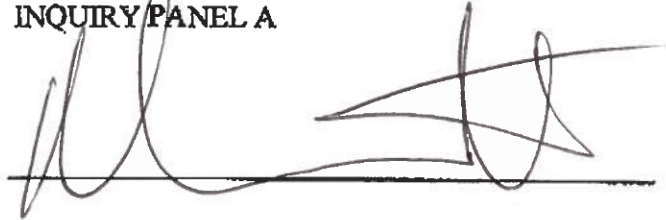



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04/03/2016
Commission expiration date

THE FOREGOING Interim Cessation of Practice Agreement is effective upon signature
by Respondent, above, and is approved this 17th day of July, 2012.

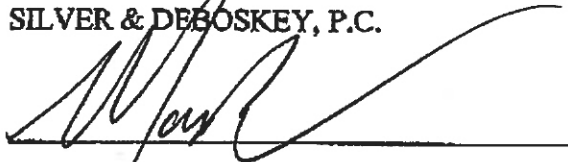
FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A



APPROVED AS TO FORM:

FOR ROBERT BACHUS, M.D.

SILVER & DEBOSKEY, P.C.

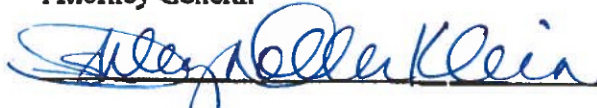


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BEFORE THE COLORADO MEDICAL BOARD

STATE OF COLORADO

CASE NO. 2012-4188-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 **ROBERT
WILLIAM KIRKLAND BACHUS, M.D.**, LICENSE NUMBER DR-44533,

RESPONDENT.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") and Robert William Kirkland Bachus, M.D. ("Respondent") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the State of Colorado on April 18, 2006 and was issued license number DR-44533, 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 December 6, 2012, the Panel reviewed information relating to Case No. 2012-4188-A. The panel thereupon referred the matter for further proceedings 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 2012-4188-A, without the necessity of holding 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 Respondent's choice, and Respondent is represented by counsel in this matter;

b. Respondent has the right to a formal disciplinary hearing pursuant to Section 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. On or about April 25, 2012, Respondent self-reported that on August 7, 2009, Respondent had pled guilty to Driving While Ability Impaired (DWAI) in Castle Rock, Colorado.

b. Respondent was evaluated by the Colorado Physician Health Program ("CPHP"), which reported on August 17, 2012 that Respondent has a substance use disorder, alcohol abuse, and was unsafe to practice.

c. Respondent was most recently evaluated by CPHP, which reported on November 16, 2012 that Respondent has a substance use disorder, alcohol abuse, and is safe to practice in the context of treatment and monitoring.

d. Respondent has a substance use disorder for which he is receiving treatment. Respondent is safe to practice medicine with reasonable skill and safety to patients in the context of treatment and monitoring.

e. Applicant has engaged in unprofessional conduct, as defined in Section 12-36-117(1)(i), C.R.S.

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

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

(i) Habitual intemperance or excessive use of any habit-forming drug or any controlled substance as defined in section 12-22-303(7).

8. Based upon paragraphs 6 and 7 above, the Panel is authorized by Section 12-36-118(5)(g)(III), C.R.S., to impose such conditions upon Respondent's practice that it deems appropriate.

PROBATIONARY TERMS

9. Respondent's license to practice medicine is hereby placed on probation for five years (5) commencing on the effective date of this Order. All terms of probation shall be effective throughout the probationary period and shall constitute terms of this Order.

10. During the probationary period, Respondent agrees to be bound by the terms

and conditions set forth below.

ABSTINENCE FROM ADDICTIVE SUBSTANCES

11. Respondent shall totally abstain from the use of alcohol and the use of any habit-forming drug or controlled substance, other than as administered, dispensed or prescribed by an authorized person other than Respondent. Respondent shall use such habit-forming drug or controlled substance only as directed by such authorized person and only for the condition identified by such authorized person.

AUTHORIZED USE OF ADDICTIVE SUBSTANCES

12. Except in the case of a bona fide medical emergency, Respondent shall not use a habit-forming drug or controlled substance given by an authorized person unless Respondent has received prior written approval of the use from the treatment monitor. In the case of a bona fide medical emergency, Respondent may use the habit-forming drug or controlled substance as prescribed by the authorized person, but must notify the treatment monitor within 24 hours of the use. Also within 24 hours of the use, Respondent must obtain written approval from the treatment monitor for continued use of the habit-forming drug or controlled substance.

13. Approvals for the use of habit-forming drugs or controlled substances made by the treatment monitor shall go only to the particular medication, indication, dosage and amount of refills understood and acknowledged by the treatment monitor. The burden shall be on Respondent to assure that the treatment monitor understands fully the drug regimen the treatment monitor is approving.

TREATMENT MONITORING

14. During the probationary period, Respondent shall receive such medical treatment and adhere to any conditions as are determined to be appropriate by CPHP or the Panel. All instructions to Respondent by CPHP shall constitute terms of this Order, and Respondent must comply with any such instructions. Failure to comply with such instructions shall constitute a violation of this Order.

15. Within 30 days of the effective date of this Order, Respondent shall sign any and all releases necessary to allow CPHP to communicate with the Panel. Within 60 days of the effective date of this Order, Respondent shall provide the Panel with a copy of such releases. This information may include alcohol and drug abuse treatment program records that may be confidential under federal or state law. Respondent shall update any and all releases as often as may reasonably be required to allow the Panel access to Respondent's privileged or confidential information. Respondent shall not revoke such releases prior to successful completion of the probationary period as set forth in this Order. Any failure to execute such a release, failure to provide copies to the Panel, or any premature revocation of such a release shall constitute a violation of this Order. In the event Respondent revokes such release, CPHP may, because of confidentiality concerns, refuse to acknowledge Respondent's participation in CPHP. CPHP's refusal to acknowledge Respondent's participation with that organization shall constitute a violation of this Order.

16. Respondent shall also complete any and all unrestricted releases as are

necessary to permit CPHP to disclose to the Panel information generated by other sources. Respondent authorizes the Panel to re-disclose and make public, consistent with Board Policy 10-18, information obtained from CPHP necessary for the limited purposes of enforcing this Order, seeking sanctions for noncompliance with this Order, or other purposes authorized in the Medical Practice Act. Medical records shall not become public records by virtue of such use. Any revocation of any release or authorization by Respondent shall constitute a violation of this Order.

17. CPHP shall function as the "treatment monitor" as that term is used in this Order. CPHP shall monitor Respondent's compliance with this Order in the following manner:

a. CPHP shall test Respondent's urine to ensure compliance with this Order. CPHP shall require Respondent to submit to urine tests on randomly selected days on a frequency of approximately 108 times per year. **Upon notice to Respondent by CPHP that a urine sample must be given, Respondent must provide a urine sample as soon as possible, but in no event later than 6:00 p.m. that same day.** Within these guidelines, CPHP shall make reasonable effort to ensure that Respondent will not be able to predict which days Respondent will be tested. CPHP shall take all reasonable measures, including observation of the giving of the urine sample and ordering testing to detect the presence of EtG on all dilute urine samples, to ensure that the urine testing is effective.

b. CPHP shall submit quarterly written reports to the Panel. The reports shall briefly describe Respondent's treatment monitoring with CPHP. The reports shall also state whether Respondent is in compliance with this Order. If at any time CPHP has reasonable cause to believe that Respondent has violated the terms of this Order, is unable to practice with skill and with safety to patients or has committed unprofessional conduct as defined in Section 12-36-117(1), C.R.S., CPHP shall immediately inform the Panel.

18. Respondent shall not consume any alcohol-containing food or products or any substances such as poppy seeds, cough syrup or mouthwash that result in a "false positive" for urine testing. Further, Respondent shall not use alcohol-based soaps and/or hand sanitizers or any other alcohol-based products. Any false positive caused by the consumption of alcohol-containing food or products, poppy seeds, cough syrup, mouthwash, alcohol-based food products and/or the use of alcohol-based soaps and/or hand sanitizers or any other alcohol-based products shall constitute a violation of this Order. Additionally, any consumption and/or use of any other substance Respondent has reason to believe will cause a false positive shall also constitute a violation of this Order.

19. Nothing in this agreement shall limit the ability of CPHP to test more frequently or for more substances than set forth above or to impose any other condition as part of its treatment and monitoring of Respondent.

20. If at any time CPHP believes that any of the above requirements are no longer necessary, CPHP may relax the requirements as it deems appropriate, and at CPHP's direction, Respondent may comply with this Order as determined by CPHP. CPHP shall

inform the Panel of any such action relaxing the above requirements in its quarterly report. All such reports shall be reviewed by the Board's staff and, at the staff's discretion, may be reviewed by the Panel. Following receipt and review of such a quarterly report, the Panel reserves the right to reject and nullify CPHP's decision regarding the relaxing of such requirements. If the Panel nullifies CPHP's decision regarding the relaxing of any of the above requirements, Respondent specifically agrees to comply with the Order as set forth above in accordance with the Panel's directions.

21. It is the responsibility of Respondent to provide information to CPHP in a timely and complete manner and to assure that all CPHP written reports are timely transmitted to the Panel.

TOLLING OF THE PROBATIONARY PERIOD

22. If at any time, Respondent ceases the active clinical practice of medicine, defined for the purposes of this Order as evaluating or treating a minimum of five patients per month, the probationary period shall be tolled for the time the Order is in effect and Respondent is not engaged in the active clinical practice of medicine.

23. Respondent must comply with all other terms of the Order and all other terms of probation. Unless otherwise specified, all terms of the Order and all terms of probation shall remain in effect, regardless of whether the probationary period has been tolled, from the effective date of this Order until probation is terminated.

OUT OF STATE PRACTICE

25. Respondent may wish to leave Colorado and practice in another state. At any time, 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. Upon the approval of such request, Respondent may cease to comply with this Order. Failure to comply with 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 of medicine, nor shall Respondent perform any act in any other location 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 provisions of this Order, irrespective of Respondent's location. The probationary period will be tolled for any period of time Respondent's license is inactive.

26. Respondent may resume the active practice of medicine at any time as set forth in Section 12-36-137(5), C.R.S. With such written request, Respondent shall cause CPHP to perform an updated evaluation of Respondent. Respondent shall be permitted to resume the active practice of medicine only after submission of and approval of an updated evaluation from CPHP.

TERMINATION OF PROBATION

33. Upon the expiration of the probationary period, Respondent may submit a written request for restoration of Respondent's license to unrestricted status. If Respondent has complied with the terms of probation, and if Respondent's probationary period has not been

tolled, such release shall be granted by the Panel in the form of written notice.

OTHER TERMS

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

35. 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.

36. 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.

37. This Order shall become an order of the Panel when it is accepted and signed by a Panel member, the Program Director, or other authorized person.

38. Respondent shall obey all state and federal laws while the terms of this Order are in effect and during the probationary period.

39. So that the Board may notify hospitals of this agreement pursuant to Section 12-36-118(13), C.R.S., Respondent presently holds privileges at the following hospitals:

None.

40. 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. In addition to any other sanction that may be imposed, failure to comply with the terms of this Order shall toll any probationary period imposed by this Order.

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

42. 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.

43. 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.

44. 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.


45. 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, the Program Director, or other authorized person, it is void.

46. 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/Healthcare Integrity and Protection Data Bank and as otherwise required by law.


Robert William Kirkland Bachus, M.D.

THE FOREGOING was acknowledged before me this 28 day of January, 2013,
by Robert William Kirkland Bachus, M.D., in the County of Alachua, State of
Florida.

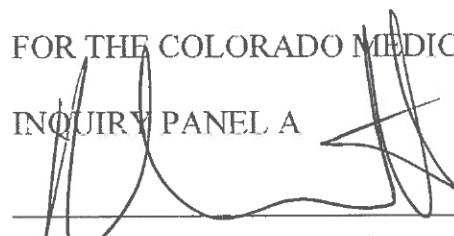



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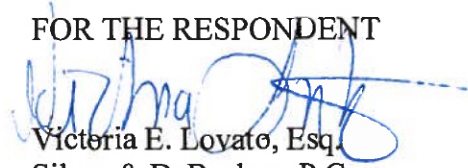
THE FOREGOING Stipulation and Final Agency Order is approved and effective this 15th
day of February, 2013.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A


Marshall S. Smith
Program Director
Authority to sign authorized by
Inquiry Panel A

APPROVED AS TO FORM:

FOR THE RESPONDENT



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