

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NO. 2009-002388-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 JAN THOMAS RAYNAK, M.D., LICENSE NUMBER DR-23509.

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") and Jan Thomas Raynak, M.D. ("Respondent") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on October 9, 1980 and was issued license number DR-23509, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and the subject matter of these proceedings
3. 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, 2009-002388-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.
4. 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 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;

e. Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

5. Respondent admits and the Panel finds the following facts:

a. In and about October 2008 through December 2008 Respondent treated patient S.G.

b. During his treatment of S.G. Respondent's documentation for the patient was below the generally accepted standard of medical practice.

6. Respondent admits and the Panel finds that the acts and/or omissions described in paragraph 8 above, 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;

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

LETTER OF ADMONITION

8. This Order shall constitute a Letter of Admonition as set forth in § 12-36-118(5)(g)(III), C.R.S., and Respondent is hereby admonished for the acts and conduct described in paragraph 5 above.

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

PRESCRIBING COURSE

10. Respondent shall enroll in and complete a continuing medical education course in the area of prescribing. Respondent shall remain solely responsible to find and enroll in such a course. However, prior to enrolling in the course, Respondent shall submit any information regarding the course to the Board for approval by the Panel. If the Panel does not approve the course, Respondent shall select another course for the Panel's approval.

11. Within one year of the effective date of this Order, respondent shall provide the Panel with written proof of his successful completion of a prescribing course approved by the Panel.

**CPEP DOCUMENTATION SEMINAR INCLUDING PRE-PROGRAM
AND POST -PROGRAM**

12. Within 30 days of the effective date of this Order, Respondent shall contact the Center for Personalized Education for Physicians ("CPEP") for the purpose of enrolling in a Patient Care Documentation Seminar including the pre-program and the six month post-program ("CPEP Documentation Seminar")

13. Within 30 days of the date of this Order, Respondent shall sign any and all releases necessary to allow CPEP to communicate with the Panel. Within 60 days of the date of this Order, Respondent shall provide the Panel with a copy of such releases. Respondent shall not revoke such releases prior to successful completion of the CPEP Documentation Seminar. Any failure to execute such a release, provide copies thereof to the Panel, or any premature revocation of such release shall constitute a violation of this Order.

14. All instructions issued by CPEP shall constitute terms of this Order. Respondent shall comply with all CPEP instructions within the time periods set out by CPEP or the Panel

15. Respondent shall successfully complete the CPEP Documentation Seminar including the pre and post programs within the time set out by CPEP but in no event more than one year from the effective date of this Order unless the Panel determines in its discretion that more time is necessary.

16. Respondent shall provide the Panel with a final report from CPEP following completion of the CPEP Documentation Seminar, including the pre and post-programs. Respondent shall assure that the final report from CPEP is received by the Panel within one year of the effective date of this Order unless the time for completion is extended by the Panel as provided in Paragraph 14 hereof.

OTHER TERMS

17. The Panel also reviewed Respondent's prescribing practices with respect to patient S.G. and does have concerns regarding those practices. Though Respondent is not being admonished for those prescribing practices they are cause for concern and Respondent should take action to avoid a recurrence of such practices.

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

19. 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.

20. 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.

21. 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:

Boulder Community Hospital

22. 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.

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

24. 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.

25. 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.

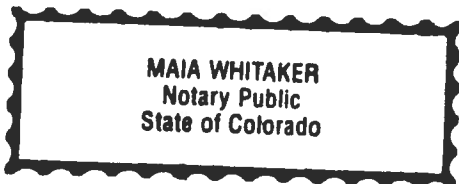
26. This Order shall be effective upon approval by the Panel and signature by a Panel member or other authorized person. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

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

Jan Thomas Raynak
Jan Thomas Raynak, M.D.

THE FOREGOING was acknowledged before me this 10th day of APRIL, 2011 by Jan Thomas Raynak, M.D. in the County of BOULDER, State of Colorado.


Maia Whitaker
NOTARY PUBLIC



My commission expires: 18 MARCH 2013

THE FOREGOING Stipulation and Final Agency Order is approved and effective this
14th day of April 2011.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

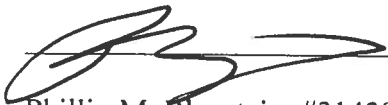


APPROVED AS TO FORM:

FOR THE COLORADO MEDICAL BOARD


FOR THE RESPONDENT

JOHN W. SUTHERS
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