

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

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**STIPULATION AND FINAL AGENCY ORDER**

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IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF DANIEL J. ABRAMS M.D. LICENSE NUMBER 37971,

Respondent.

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IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado State Board of Medical Examiners ("Board") and Daniel J. Abrams, M.D. ("Respondent") as follows:

**JURISDICTION AND CASE HISTORY**

1. Respondent, a neurosurgeon, was licensed to practice medicine in the state of Colorado on July 22, 1999 and was issued license number 37971, 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 March 18, 2004, the Panel reviewed case number 2004-000303A. The Panel thereupon referred the matter to the Attorney General pursuant to C.R.S. § 12-36-118(4)(c)(IV).
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 2004-000303A 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 his choice, and Respondent has been so represented in this matter;
  - b. Respondent has the right to a formal disciplinary hearing pursuant to C.R.S. § 12-36-118(5);
  - 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; and

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.

6. Respondent admits and agrees that he has a physical condition that renders him unable to practice neurosurgery with reasonable skill and safety to patients.

7. Respondent admits that the conduct set forth above in paragraph 6 constitutes a disability as defined in C.R.S. § 12-36-117(1)(o).

### PRACTICE RESTRICTION

8. Because of his medical condition, Respondent has chosen to discontinue the practice of neurosurgery.

9. Respondent has voluntarily agreed to modify his medical practice so as not to perform any surgical procedure. A surgical procedure is any invasive procedure that requires the use of surgical instruments and results in either an incision in the patient, or the removal of any tissue from the patient. Respondent is not prohibited from performing supervised procedures that are the normal part of his psychiatry PGY training.

10. Respondent's medical license is hereby restricted as described above in paragraph 9.

### TERMS OF THE ORDER

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. Respondent shall obey all state and federal laws.

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

University of Colorado

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16. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to C.R.S. § 24-4-104, except that it may not be appealed. This Order and all its terms also constitute a valid board order for purposes of C.R.S. § 12-36-117(1)(u).

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

18. 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.

19. This Order shall be effective upon approval by the Panel and signature by a Panel member. 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, it is void.

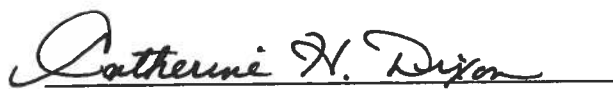
20. Upon becoming effective, this Order shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported the Federation of State Medical Boards, the National Practitioner Data Bank/Healthcare Integrity and Protection Data Bank and as otherwise required by law.



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Daniel J. Abrams, M.D.

The foregoing was acknowledged before me this 2<sup>ND</sup> day of June, 2005

by DANIEL J. ABRAMS, M.D. in the County of DENVER, State of Colorado.



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NOTARY PUBLIC

**My Commission Expires 12/31/2005**

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My commission expires



THE FOREGOING Stipulation and Final Agency Order is approved and effective this  
9<sup>th</sup> day of June, 2005.

FOR THE COLORADO STATE BOARD OF  
MEDICAL EXAMINERS

INQUIRY PANEL A

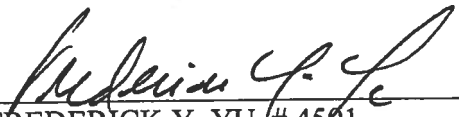
  
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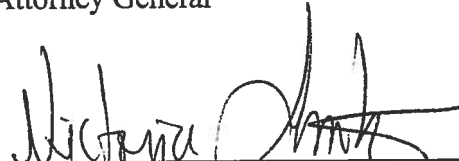
**APPROVED AS TO FORM:**

FOR RESPONDENT

FOR INQUIRY PANEL A

JOHN SUTHERS  
Attorney General

  
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FREDERICK Y. YU, # 4501

  
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