

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF JOHN SHEEHAN, M.D. LICENSE NO. 24238,

Applicant.

IT IS HEREBY STIPULATED and agreed by and between the Colorado State Board of Medical Examiners ("Board") and John Sheehan, M.D. ("Applicant") as follows:

JURISDICTION AND CASE HISTORY

1. Applicant was licensed to practice medicine in the state of Colorado on November 12, 1981 and was issued license number 24238 which Applicant has held continuously since that date.
2. The Board has jurisdiction over Applicant and over the subject matter of this proceeding.
3. In May of 2004, Panel A ("Panel") of the Board, acting as the Licensing Subcommittee considered Applicant's application for reinstatement pursuant to § 12-36-104(3).
4. The Panel deferred action on Applicant's application for reinstatement, and thereupon referred the matter to the Attorney General pursuant to § 12-36-118(4)(c)(IV) and § 12-36-123(2)(b), C.R.S.
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 no. 2004003267, without the necessity of holding a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.
6. Applicant understands that:
 - a. Applicant has the right to be represented by an attorney of the Applicant's choice, and is so represented;
 - b. Applicant has the right to a formal disciplinary hearing pursuant to § 12-36-118(5) and § 12-36-123(2)(b), C.R.S.

c. By entering into this Order, Applicant 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. Applicant 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.

7. Applicant specifically admits and agrees that his Colorado medical license lapsed on May 31, 1997, that he failed to seek renewal of his license until March of 2004, and that he has been engaged in the practice of medicine while his license has been lapsed.

8. Applicant admits that the conduct set forth above constitutes unprofessional conduct as defined in § 12-36-117(1)(n), § 12-36-117(1)(u), and § 12-36-123, C.R.S.

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

MITIGATING CIRCUMSTANCES

10. Respondent did not engage in this conduct intentionally. The renewal forms were sent to Respondent's address of record for Board purposes. Although Respondent notified the post office of his change of address, he did not appropriately notify the Board as required by Board Rule 270. Once Respondent discovered the error, Respondent took immediate steps to renew his license.

LETTER OF ADMONITION

11. This Order shall constitute a letter of admonition as set forth in § 12-36-118(5)(g)(III), C.R.S. Applicant is hereby admonished for practicing medicine for seven years without having an active medical license and without ensuring that he complied with § 12-36-123, C.R.S. and Board Rule 130.

FINE

12. Applicant will pay a \$1,500.00 fine at the time he signs this Stipulation. The fine shall be paid in one lump sum by check made payable to the State of Colorado

OTHER TERMS

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

14. 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.

15. All costs and expenses incurred by Applicant to comply with this Order shall be the sole responsibility of Applicant, and shall in no way be the obligation of the Board or Panel.

16. Presently, Applicant does not hold privileges at any hospitals.

17. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § 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 Panel as set forth in § 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of § 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 the probationary period.

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

19. 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.

20. This Order shall be effective upon approval by the Panel and signature by a Panel member. Applicant 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.

21. Upon becoming effective, this Order shall be open to public inspection and shall be reported as required by law.

22. Applicant may begin the practice of medicine once this Order becomes effective.

John Sheehan, M.D.
John Sheehan, M.D.

The foregoing was acknowledged before me this 24 day of June, 2004

by John Sheehan, M.D.

Michelle R. Bates
NOTARY PUBLIC

MY COMMISSION EXPIRES
FEBRUARY 1, 2006

My commission expires

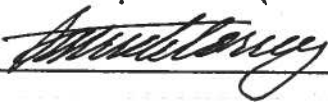


THE FOREGOING Stipulation and Final Agency Order is approved and effective this

8th day of JULY, 2004.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS

LICENSING SUBCOMMITTEE A



APPROVED AS TO FORM:

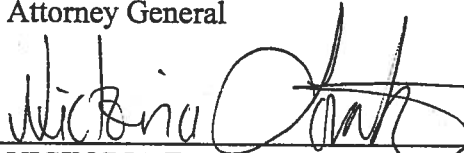
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