

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
JED S. SHAPIRO, M.D., LICENSE NO. 19891.

Respondent.

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

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on January 13, 1976, and was issued license no. 19891 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. Respondent is a psychiatrist.
4. Respondent provided psychotherapy and prescribed medications to patient C.B. from May to November of 1993. Respondent prescribed medications for C.B. in April 1994 and May and November of 1995.
5. From sometime in the summer of 1994 to October of 1995, Respondent engaged in a personal relationship with C.B. The relationship included acts of sexual intercourse.
6. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order (hereinafter, the "Order") to provide for a settlement of all issues set out in paragraphs 4 and 5 above 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.
7. Respondent understands that:

a. Respondent has the right to be represented by an attorney of the Respondent's choice and is so represented;

b. Respondent has the right to a formal disciplinary hearing pursuant to § 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; 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.

8. Respondent admits that the conduct set forth above establishes that Respondent has engaged in unprofessional conduct as defined in § 12-36-117(1)(r), C.R.S.

SUSPENSION

9. The parties agree that commencing on the effective date of this Order, Respondent's license to practice medicine in the state of Colorado shall be suspended for a period of 60 days. During the period of suspension, Respondent shall perform no act defined as the practice of medicine in § 12-36-106, C.R.S. This prohibition from practicing medicine shall apply whether or not the Respondent is practicing in Colorado or under the authority of his license issued by the Board. Moreover, Respondent shall not practice unlicensed psychotherapy as that is defined in § 12-43-203(10), C.R.S. during the period of his suspension.

PROBATIONARY TERMS

10. Also upon the effective date of this Order, Respondent's license shall be placed on probationary status for a period of five years. During the probationary period, Respondent agrees to be bound by the terms and restrictions set forth in the paragraphs below.

BOUNDARIES COURSE

11. Within one year of the effective date of this agreement, Respondent shall successfully attend a course in ethical boundaries for physicians. It is anticipated by the parties that the course will be conducted under the auspices of the Colorado Physician Health Program ("CPHP") and shall be taught, at least in part, by David Wahl, M.D. All reeducation

activities recommended by CPHP or Dr. Wahl shall constitute terms of this Order.

PRACTICE MONITORING

12. Respondent's medical practice at all office and hospital locations in Colorado shall be monitored by a "practice monitor." The practice monitor shall be a physician licensed and currently practicing medicine in Colorado. The practice monitor must be knowledgeable in Respondent's area of practice. Most importantly, the practice monitor must function as the eyes of the Board and must not feel an allegiance to Respondent that would prevent a fair and impartial review of Respondent's practice to insure that Respondent is practicing within the standard of care and in compliance with this Order. The practice monitor shall have no financial interest in Respondent's practice of medicine. The practice monitor may be selected by Respondent but must be approved by the Panel. Prior to the Panel's approval, the practice monitor shall submit to the Panel a current curriculum vitae and letter to the Panel. In the letter, the practice monitor shall state that the practice monitor has read this Order, and understands and agrees to perform the obligations as set forth herein.

13. The practice monitor shall perform the following:

a. At least once each month, the practice monitor shall visit all the offices at which Respondent practices medicine, and review at least five charts maintained by Respondent. The practice monitor shall make reasonable efforts to insure that Respondent has no notice of which charts will be selected for review. The practice monitor is authorized to review such other medical records maintained by Respondent as the practice monitor deems appropriate.

b. At least once each month, the practice monitor shall review at least five hospital charts of patients whom Respondent has admitted to hospitals. If Respondent has admitted fewer than five patients to the hospital in the previous month, the practice monitor shall review all the patients so admitted, if any. The practice monitor shall make reasonable efforts to insure that Respondent has no notice of which charts will be selected for review. The practice monitor is authorized to review such other hospital charts as the practice monitor deems appropriate.

c. The practice monitor shall submit quarterly written reports to the Panel.

d. The practice monitor's reports shall include the following:

- (1) a description of each of the cases reviewed;
- (2) a description of the condition of Respondent's office facilities.
- (3) the practice monitor's opinion whether Respondent is practicing medicine in accordance with generally accepted standards of medical practice; and
- (4) any indication that Respondent has violated a term of this Order.

14. If at any time the practice monitor believes Respondent is not in compliance with this Order, is unable to practice with skill and with safety to patients or has committed unprofessional conduct as defined in § 12-36-117(1), C.R.S., the practice monitor shall immediately inform the Panel.

15. Respondent shall nominate the practice monitor within 30 days of the effective date of this Order. Respondent shall insure that all reports by the practice monitor are complete and are submitted to the Panel on time. If, in the Panel's judgment, the practice monitor fails to perform the functions contemplated by this Order, the Panel may require that a new practice monitor assume the responsibilities specified herein. If Respondent becomes aware that the practice monitor has ceased to perform the functions contemplated by this Order, Respondent shall nominate a new monitor within 30 days.

EARLY TERMINATION FROM PRACTICE MONITORING

16. One year after the effective date of this Order, Respondent may petition the Panel for early termination of practice monitoring. The parties agree that the Panel's decision regarding such a petition shall be made in the sole discretion of the Panel and shall be unreviewable.

OTHER TERMS

17. 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.

18. Respondent shall obey all state and federal laws during the probationary period ordered herein.

19. At the completion of the probationary term ordered herein, including any extension required by this paragraph, Respondent may make a written request to the Panel to restore Respondent's license to unrestricted status. With such request,

Respondent shall supply any outstanding reports from practice or treatment monitors. If Respondent has complied with the terms of probation, such release shall be granted by the Panel in the form of written notice. Absent such written notice from the Panel, Respondent shall continue to comply with the probationary terms. In addition to any other sanction which may be imposed, the period of probation shall be tolled by any period of time during which:

- a. Respondent is not engaged in the clinical practice of medicine in Colorado;
- b. Respondent is not being monitored as required by the terms of this Order; or
- c. Respondent is not in compliance with any other term of this Order.

20. Respondent shall report to the Board when gaining hospital privileges so that the Board may notify the hospital pursuant to § 12-36-118(13), C.R.S. Respondent presently holds privileges at the following hospitals:

Boulder Community Hospital

Longmont United Hospital

21. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to § 12-36-118(5)(g)(III), C.R.S. Failure to comply with the terms of this Order may be sanctioned by the Inquiry 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.

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

23. 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.

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

Jed S. Shapiro MD
Jed S. Shapiro, M.D.
888 8th St

Boulder, Colo 80302
Address

The foregoing was acknowledged before me this 2nd day of
JULY, 1997 by Jed S. Shapiro, M.D.

Nora Irene Marconnet
NOTARY PUBLIC

My Commission expires:

Nora Irene Marconnet
My Commission Expires
May 18, 2000

THE FOREGOING Stipulation and Final Agency Order is approved
and effective this 13th day of AUGUST, 1997.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS
INQUIRY PANEL A

Francis M. Kaley MD

APPROVED AS TO FORM:

FOR THE RESPONDENT

FOR THE BOARD OF MEDICAL EXAMINERS

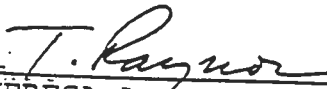
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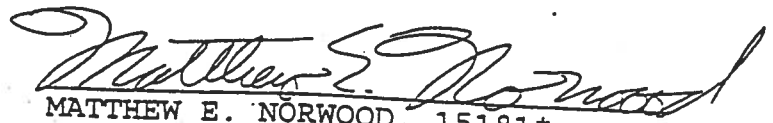
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