

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 BARRY W. FRIEDER, M.D.,

Respondent.

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

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado in 1988 and was issued license number 29005, 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 August 8, 2001, the Panel reviewed case number 5101011020. The Panel thereupon referred the matter to the Attorney General pursuant to § 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 5101011020 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.
5. Respondent understands that:
 - a. Respondent has the right to be represented by an attorney of the Respondent's choice;
 - 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

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.

LETTER OF ADMONITION

6. Respondent agrees to accept, and the Board hereby issues to Respondent a Letter of Admonition as set forth in § 12-36-118(5)(g)(III), C.R.S for the conduct set forth herein. Respondent is hereby admonished for the failure to make essential entries on patient records, based upon the following:

a. Respondent treated patient A on an outpatient basis in 1999. Respondent's documentation of his initial evaluation of Patient A did not include adequate mental status information, risk assessment or treatment plan. Respondent's progress notes for Patient A did not adequately document the patient's mental status and the Respondent's management of the patient.

b. Respondent provided an initial evaluation for Patient B on March 9, 2000. Respondent's documentation of Patient B's chief complaint and current medications was not adequate.

c. Respondent treated Patient C following an admission for alcohol intoxication and suicidal ideation. Respondent's documentation of the initial evaluation lacks an adequate discussion of Patient C's affect, mood history, prior responses to medication, risk for suicide, or why the Respondent discharged Patient C without medication.

d. Respondent treated Patient D, a moderately developmentally disabled adult, on an inpatient basis. Respondent's documentation of his evaluation of Patient D lacks an adequate discussion of the discrepancies between Patient D's history as recorded by Respondent and the patient's history as recorded by others and descriptive mental status information as to the patient.

7. Respondent admits that the conduct set forth above constitutes unprofessional conduct as defined in § § 12-36-117(1)(cc), C.R.S.

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

CPEP EDUCATION PROGRAM

9. Within 30 days of the effective date of this Order, Respondent shall contact Colorado Personalized Education for Physicians (“CPEP”) for the purposes of an assessment. The assessment will determine whether Respondent shall undergo an education plan. Respondent shall complete and sign the written assessment within 120 days of the effective date of this Order.

10. If the assessment indicates Respondent should undergo an education plan, Respondent shall enroll in a CPEP education plan within 180 days of the effective date of this Order. Education plans typically take four to six weeks to create after enrollment. Respondent shall cause CPEP to send a copy of the education plan to the Panel. Respondent shall successfully complete the educational activities set out in the education plan, including any final evaluation, within the time set out by CPEP. Respondent shall complete the educational activities set out in the education plan within two years from the effective date of this Order, unless CPEP directs or endorses a longer period of time. All instructions made by CPEP shall constitute terms of this Order and shall be complied with within the time periods set out by CPEP. Upon successful completion of the education plan, including any final assessment, Respondent shall provide the Panel with written proof from CPEP of such successful completion.

11. If the assessment indicates that Respondent need not undergo an education plan, then Respondent shall provide the Panel with written proof from CPEP of that fact, and that condition of this Stipulation and Order shall be fully satisfied.

OTHER TERMS

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

13. 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.

14. 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.

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

 NONE

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

17. 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.

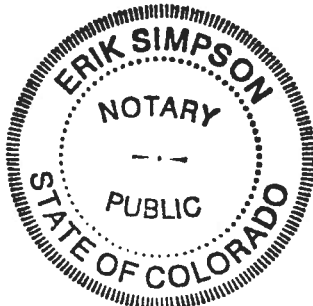
18. This Order shall be effective upon approval by the Panel and signature by a Panel member. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member, it is void.

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

Barry W. Frieder, M.D.
BARRY W. FRIEDER, M.D.

The foregoing was acknowledged before me this 29th day of July 2002

by Barry W. Frieder, M.D.



Erik Simpson
NOTARY PUBLIC

8/14/04
My commission expires

THE FOREGOING Stipulation and Final Agency Order is approved and effective this 14th day of August, 2002.

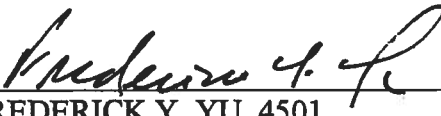
FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS
INQUIRY PANEL A

[Signature]

APPROVED AS TO FORM:

FOR THE RESPONDENT

SHERMAN AND HOWARD



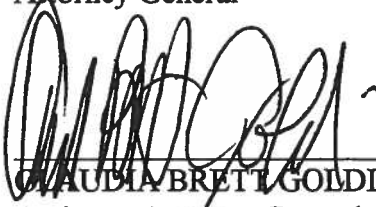
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