

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 RUSSELL
COPELAN, M.D., LICENSE NO. 24453,

Respondent.

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

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the State of Colorado on April 8, 1982, and was issued license no. 24453 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 November 14, 1997, the Panel reviewed documentation in Case No. 5197022130. The Panel found that the investigation disclosed facts which warranted proceeding by formal complaint, as provided in § 12-36-118(5), C.R.S. The Panel thereupon referred the complaint in Case No. 5197022130 to the Attorney General for commencement of disciplinary action regarding Respondent's license to practice medicine.
4. From approximately February, 1995 to the winter of 1996-97, Respondent engaged in a personal relationship with D.J. During the course of Respondent's personal relationship with D.J., Respondent prescribed Ativan, Tylenol III, Lorazepam and Vicodin medications. On at least one occasion, Respondent wrote a prescription order to D.J. for Ativan on a prescription order form from Respondent's Manitou Springs medical practice which had been closed.

5. During the course of treating D.J., Respondent did not record or maintain a patient record of his evaluation and treatment of D.J., nor chart prescription orders prescribed to D.J.

6. It is the intent of the parties and 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 defined in § 1243-203(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. Respondent shall successfully attend a course in ethical boundaries for physicians as soon as it is offered after acceptance and approval by the Panel. 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.

CPEP LEARNING PLAN

12. Within one month after Respondent returns to the practice of medicine in Colorado, Respondent shall enroll with Colorado Personalized Education for Physicians ("CPEP") for the purpose of obtaining an initial evaluation of Respondent's medical practice, and development of a learning plan deemed appropriate by CPEP. Respondent shall successfully complete the learning plan, including any final evaluation, within the time recommended by CPEP, but in no event more than two years from the effective date of CPEP's completion of its initial evaluation of Respondent's medical practice. All recommendations 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 learning plan Respondent shall provide the Panel with written proof from CPEP of such successful completion. Respondent shall also authorize CPEP to freely communicate with the Panel the results of its evaluation of Respondent, its recommended learning plan, and periodic reports of Respondent's progress in the evaluation and the learning plan.

PRACTICE MONITORING

13. 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.

14. The practice monitor shall perform the following:

a. At least once a 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.

15. 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.

16. Prior to his resuming the practice of medicine, Respondent shall nominate a practice monitor for approval by the Panel. 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.

CHAPERONE

17. During the probationary period, Respondent shall have a chaperone present during all physical examinations of any female patient. The use of a chaperone shall be documented by Respondent in the patient record.

EARLY TERMINATION FROM PRACTICE MONITORING

18. 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

19. 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.

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

21. 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.

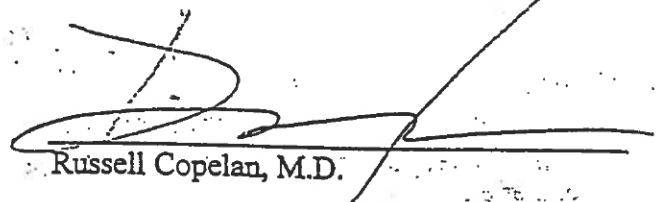
22. Respondent shall report to the Board when gaining hospital privileges so that the Board may notify the hospital pursuant to § 12-36-118(13), C.R.S. Respondent presently holds no privileges at hospitals.

23. This Order and all its terms shall have the same force and effect as an order entered after formal disciplinary hearing pursuant to § 12-36-118(S)(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.

24. This Order shall be admissible as evidence at any future hearing before the Panel.

25. 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.

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


Russell Copelan, M.D.

65 W. 1st St.

Denver, CO 80202
Address

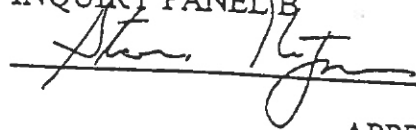
The foregoing was acknowledged before me this 15 day of May 1998, by Russell Copelan, M.D.

My Commission Expires: My Commission Expires 10-26-01



THE FOREGOING Stipulation and Final Agency Order is approved and effective this
18th day of, June 1998.

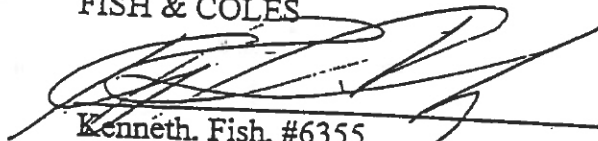
FOR THE COLORADO STATE BOARD OF MEDICAL EXAMINERS
INQUIRY PANEL B



APPROVED AS TO FORM

FOR THE RESPONDENT

FISH & COLES



Kenneth. Fish, #6355
3773 Cherry Creek N. Dr., Suite 1050
Denver, Colorado 80209
(303) 321-8705

FOR THE BOARD OF MEDICAL
EXAMINERS

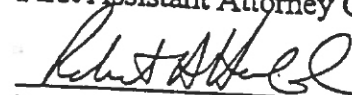
GALE A. NORTON
Attorney General

MARTHA PHILLIPS ALLBRIGHT Chief
Deputy Attorney General

RICHARD A. WESTFALL
Solicitor-General

LINDA L. SIDERIUS
Deputy Attorney General

MATTHEW E. NORWOOD
First Assistant Attorney General



ROBERT A. HOLDEN, 12821*
Assistant Attorney General
Regulatory Law Section

Attorneys for the Colorado State
Board of Medical Examiners

1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Telephone: 866-5312

Counsel of Record

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

SECOND STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING AND APPLICATION FOR
LICENSE REINSTATEMENT REGARDING THE LICENSE TO PRACTICE MEDICINE IN
THE STATE OF COLORADO OF RUSSELL COPELAN, M.D., LICENSE NUMBER 24453

Respondent.

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

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on April 8, 1982 and was issued license number 24453, 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 June 18, 1998, Respondent and the Panel entered a Stipulation and Final Agency Order ("First Order"). Respondent soon thereafter moved out of state and the First Order has been in abeyance since October of 1998. Respondent's Colorado license has been on lapsed status pursuant to § 12-36-123, C.R.S. since May 31, 1999.
4. Respondent has applied to reinstate his Colorado medical license. The Panel has agreed to reinstate his license commencing on the effective date of this Second Stipulation and Final Agency Order ("Second Order") subject to the terms and conditions outlined below. Therefore, following its November 2001 meeting, the Panel referred this case to the Office of the Attorney General for drafting of this Second Order.
5. It is the intent of the parties and the purpose of this Second Order to provide for a settlement of all matters related to Respondent's First Order and Respondent's application to reinstate his Colorado medical license without the necessity of holding a formal hearing. This Second 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 Second Order.

6. Respondent specifically agrees that the Panel is authorized by law to enforce this Second Order.

7. 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 Second 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.

PRACTICE RESTRICTION

8. Commencing on the effective date of this Second Order, Respondent shall limit his practice to administrative medicine and shall not engage in the practice of clinical medicine.

9. Respondent's administrative medicine practice, including continuing medical education, health care management, and research design and analysis, shall not involve patient contact or the administration of or interpretation of patient tests, evaluations or data for the purpose of furthering individual patient care. Respondent further shall not assume any positions that require the exercise of discretion in the prospective authorization of medical care.

10. If Respondent decides in the future to return to the practice of clinical medicine, he must petition the Panel to lift the practice restriction described in paragraphs 8 and 9 above. The Panel shall grant the petition only if Respondent agrees to abide by the terms and conditions of the First Order (as modified to reflect new dates and deadlines).

OTHER TERMS

11. The terms of this Second Order were mutually negotiated and determined.

12. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Second 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 Second Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

14. 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:

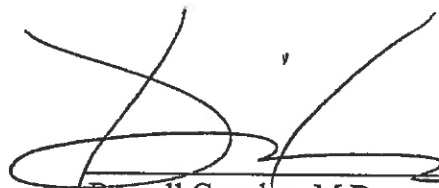
15. This Second Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to § 12-36-118(5)(g)(III), C.R.S. Failure to comply with the terms of this Second Order may be sanctioned by the Inquiry Panel as set forth in § 12-36-118(5)(g)(IV), C.R.S. This Second Order and all its terms also constitute a valid board order for purposes of § 12-36-117(1)(u), C.R.S. This Second Order shall be admissible as evidence at any future hearing before the Board.

16. During the pendency of any action arising out of this Second Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

17. Invalidation of any portion of this Second Order by judgment or court order shall in no way affect any other provision, which provision shall remain in full force and effect.

18. This Second 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 Second Order and that if the Second Order is not approved by the Panel and signed by a Panel member, it is void.

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

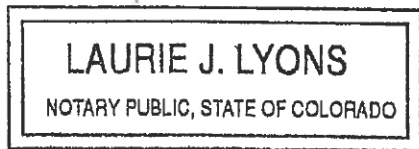

Russell Copelan, M.D.

The foregoing was acknowledged before me this 31ST day of JANUARY, 2002
by Russell Copelan, M.D.


NOTARY PUBLIC

My Commission expires: JANUARY 2004


THE FOREGOING Second Stipulation and Final Agency Order is approved and
effective this ^{15TH} ~~31ST~~ day of FEBRUARY 2002
JANUARY, 2002.



My Commission Expires 01-28-2004.

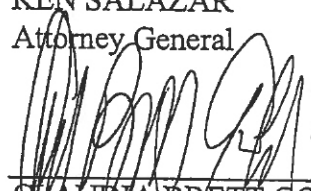
FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS

INQUIRY PANEL B


Paul C. Kuyper, M.D.

APPROVED AS TO FORM:

KEN SALAZAR
Attorney General



CLAUDIA BRETT GOLDIN, 23116*
Assistant Attorney General
Business and Licensing Section
Attorneys for the Colorado Board of Medical
Examiners, Inquiry Panel B

1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Telephone: (303) 866-5463
FAX: (303) 866-5691
*Counsel of Record

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

THIRD STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING AND APPLICATION
FOR LICENSE REINSTATEMENT REGARDING THE LICENSE TO PRACTICE
MEDICINE IN THE STATE OF COLORADO OF RUSSELL COPELAN, M.D.,
LICENSE NUMBER 24453

Respondent.

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

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on April 8, 1982 and was issued license number 24453, 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 November 14, 1997, the Panel reviewed documentation in Case No. 5197022130. The Panel found that the investigation disclosed facts that warranted proceeding by formal complaint, as provided in §12-36-118(5), C.R.S. The Panel thereupon referred the complaint in Case No. 5197022130 to the Attorney General for commencement of disciplinary action regarding Respondent's license to practice medicine.
4. On June 18, 1998, Respondent and the Panel entered a Stipulation and Final Agency Order ("First Order"). Respondent soon thereafter moved out of state and the First Order has been in abeyance since October of 1998. Respondent's Colorado license has been on lapsed status pursuant to §12-36-123, C.R.S. since May 31, 1999.
5. Respondent applied to reinstate his license on or about November of 2001. On February 15, 2002, Respondent and the Panel entered into a Second Stipulation and Final Agency Order. ("Second Order"). This Second Order allowed Respondent to practice only administrative medicine in Colorado. The Second Order continued to

prevent Respondent from practicing clinical medicine.

6. Respondent has applied to reinstate his Colorado medical license so that he can practice clinical. On August 15, 2003, the Panel agreed to reinstate his license commencing on the effective date of this Third Stipulation and Final Agency Order ("Third Order") and subject to the terms and conditions outlined below.

7. It is the intent of the parties and the purpose of this Third Order to provide for a settlement of all matters related to Respondent's First and Second Order and Respondent's application to reinstate his Colorado medical license without the necessity of holding a formal hearing. This Third 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 Third Order.

8. Respondent specifically admits and agrees with the following:

a. That from approximately February, 1995 to the winter of 1996-97, Respondent engaged in a personal relationship with D.J. During the course of Respondent's personal relationship with D.J. Respondent prescribed Ativan, Tylenol III, Lorazepam and Vicodin medications. On at least one occasion, Respondent wrote a prescription order to D.J. for Ativan on a prescription order form from Respondent's Manitou Springs medical practice, which had been closed.

b. That during the course of treating D.J., Respondent did not record or maintain a patient record of his evaluation and treatment of D.J., nor chart prescription orders prescribed to D.J.

9. Respondent specifically agrees that the Panel is authorized by law to enforce this Third Order.

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

11. Respondent understands that:

- a. Respondent has the right to be represented by an attorney of the Respondent's choice;
- b. Applicant has the right to a formal disciplinary hearing pursuant to §12-36-118(5), C.R.S.
- c. By entering into this Third Order, Respondent is knowingly and voluntarily giving up the right to a hearing, admits the facts contained within 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.

PROBATIONARY TERMS

12. 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

13. Respondent shall successfully attend a course in ethical boundaries for physicians within two years from the effective date of this Order. Any course must be approved by the Panel. 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. Respondent shall provide written proof to the Panel of successful completion of the boundaries course within 60 days of completion.

CPEP LEARNING PLAN

14. Within one month after Respondent returns to the practice of medicine in Colorado, Respondent shall enroll with Colorado Personalized Education for Physicians ("CPEP") for the purpose of obtaining an initial evaluation of Respondent's medical practice, and development of a learning plan deemed appropriate by CPEP. Respondent shall successfully complete the learning plan, including any final evaluation, within the time recommended by CPEP, but in no event more than two years from the effective date of CPEP's completion of its initial evaluation of Respondent's medical practice. All recommendations 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 learning plan Respondent shall provide the Panel with written proof from CPEP of such successful completion within 60 days. Respondent shall also authorize CPEP to freely communicate with the Panel the results of its evaluation of Respondent, its recommended learning plan, and periodic reports of Respondent's progress in the evaluation and the learning plan.

CHAPERONE

15. During the probationary period, a third person shall be continuously present as a chaperone during all physical examinations with any female patient. Respondent shall be responsible for arranging for the presence of the chaperone. If an

adult family member or friend accompanies a patient throughout the office appointment, the chaperone requirement shall be deemed fulfilled for the patient's visit. Respondent shall document the name of the chaperone in the patient's chart for each appointment.

PRACTICE MONITORING

16. 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.

17. The practice monitor shall perform the following:

a. At least once a 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) An indication of Respondent's compliance with the chaperone requirement of this Order
- (4) The practice monitor's opinion whether Respondent is practicing medicine in accordance with generally accepted standards of medical practice; and
- (5) Any indication that Respondent has violated a term of this Order.

18. 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.

19. Prior to his resuming the practice of medicine, Respondent shall nominate a practice monitor for approval by the Panel. 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

20. 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.

OUT OF STATE PRACTICE

21. Respondent may wish to leave Colorado and practice in another state. At any time, whether to practice out of state, or for any other reason, Respondent may request that the Board place Respondent's license on inactive status as set forth in § 12-36-137, C.R.S. While inactive, Respondent must comply with all provisions of this Order. The probationary period will be tolled for any period of time Respondent's license is inactive.

22. Respondent may resume the active practice of medicine at any time as set forth in § 12-36-137(5), C.R.S.

TERMINATION OF PROBATION

23. 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.

OTHER TERMS

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

25. 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.

26. 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.

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

28. 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 no privileges at hospitals.

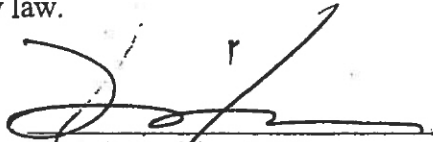
29. This Order and all its terms shall have the same force and effect as an order entered after formal disciplinary hearing pursuant to §12-36-118(S)(g)(III), C.R.S. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in §12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of §12-36-117(l)(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.

30. This Order shall be admissible as evidence at any future hearing before the Panel.

31. 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.

32. 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.

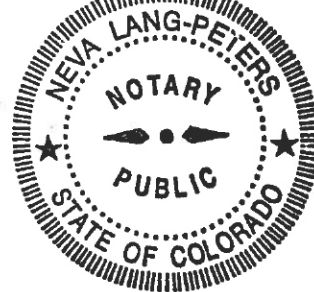
33. Upon becoming effective, this Order shall be open to public inspection and shall be reported as required by law.


Russell Copelan, M.D.

The foregoing was acknowledged before me this 26 day of November, 2003, in the county of El Paso in the state of Colorado, by Russell Copelan, M.D.


NOTARY PUBLIC

My commission expires 08-24-2007




THE FOREGOING Third Stipulation and Final Agency Order is approved and effective this 18th day of December, 2003.

FOR THE COLORADO STATE BOARD
OF MEDICAL EXAMINERS
INQUIRY PANEL B



APPROVED AS TO FORM:

KEN SALAZAR
Attorney General



MATTHEW AZER, 21751
Assistant Attorney General
Business and Licensing Section
Attorneys for the Colorado Board of
Medical Examiners, Inquiry Panel B

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS
STATE OF COLORADO

CASE NO. 2008-002361-B

FOURTH STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF RUSSELL I.
COPELAN, M.D., LICENSE NUMBER 24453,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B ("Panel") of the Colorado State Board of Medical Examiners ("Board") and Russell I. Copelan, M.D. ("Respondent"), as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on April 8, 1982 and was issued license number 24453, 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 29, 2008, the Panel reviewed case numbers 5197022130 and 2008-002361-B. The Panel thereupon referred the matter to the Attorney General pursuant to Section 12-36-118(4)(c)(IV), C.R.S.
4. On June 18, 1998, Respondent and the Panel entered into a Stipulation and Final Agency Order ("First Order"). Respondent soon thereafter moved out of state, tolling the First Order, and allowed his Colorado medical license to lapse.
5. Respondent applied to reinstate his license in or about November 2001. On or about February 15, 2002, Respondent and the Panel entered into a Second Stipulation and Final Agency Order ("Second Order"). This Second Order limited Respondent's practice to administrative medicine only, with no provision for the practice of clinical medicine.
6. Respondent applied to reinstate his clinical medicine privileges in or about August 2003. On or about December 18, 2003, Respondent and the Panel entered into the Third Stipulation and Final Agency Order ("Third Order"). This Third Order set forth the terms and conditions under which Respondent could engage in the practice of clinical medicine.

7. It is the intent of the parties and the purpose of this Fourth Stipulation and Final Agency Order ("Fourth Order") to provide for a settlement of all matters set forth in Respondent's First, Second and Third Orders, as well as case number 2008-002361, without the necessity of holding a formal disciplinary hearing. This Fourth 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 Fourth Order.

8. Respondent understands that:

a. Respondent has the right to be represented by an attorney of the Respondent's choice, and Respondent has voluntarily chosen to proceed without representation;

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 Fourth Order, Respondent is knowingly and voluntarily giving up the right to a hearing, admits the facts contained in this Fourth 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; and

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

9. Respondent specifically admits and agrees that:

a. From approximately February 1995 to the winter of 1996-1997, Respondent engaged in a personal relationship with D.J. During the course of Respondent's personal relationship with D.J., Respondent prescribed Ativan, Lorazepam and Vicodin medications. On at least one occasion, Respondent wrote a prescription order to D.J. for Ativan on a prescription order form from Respondent's Manitou Springs medical practice, which had been closed.

b. During the course of treating D.J., Respondent did not record or maintain a patient record of his evaluation and treatment of D.J., nor chart prescription orders prescribed to D.J.

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

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

PRACTICE RESTRICTION

12. Commencing on the effective date of this Fourth Order, Respondent shall limit Respondent's practice to administrative medicine. Respondent shall not engage in the practice of clinical medicine.

13. Respondent's administrative medicine practice may include continuing medical education, health care management, evidence-based medicine protocol design, management of physician behavior issues, participation in activities related to quality management, development of patient safety protocols, oversight of physicians' practice from a managerial perspective, review of physicians' performance, interdisciplinary teaching and research, including, but not limited to, technological and methodological expertise in brain imaging and neurocognitive studies, and research design, including tool development, and analysis

14. Respondent's administrative practice shall not include patient contact. Additionally, Respondent's administrative practice shall not include the administration or interpretation of patient tests, evaluations, and/or data for the purpose of directing or influencing individual patient care. Respondent further shall not perform any act that requires the exercise of discretion in the prospective authorization of medical care.

15. Respondent may petition the Panel for modification of this restriction provided that Respondent has obtained an educational assessment with Colorado Personalized Education for Physicians ("CPEP") and successfully completed any learning plan recommended by CPEP. The Panel may further require Respondent to fulfill additional requirements that the Panel deems necessary, at that time, to protect the public health, safety, and welfare. These requirements may include, but are not limited to, submitting to a mental and/or physical examination and/or evaluation by physicians designated by the Panel, a probationary period, treatment monitoring, a chaperone requirement, an educational plan, and practice monitoring. Additionally, Respondent will be required to demonstrate continued competency pursuant to section 12-36-116(1)(d), C.R.S., and any related Board rules and/or policies, and will be required to comply with any other statutory or regulatory requirement. The Panel may choose to grant the request, may choose to deny the request, or may choose to grant the request subject to specific terms and conditions including, but not limited to, additional assessment, training, and/or supervision. Respondent specifically acknowledges that the Panel's decision regarding a request to modify the practice restriction shall be in the sole discretion of the Panel and shall not be subject to review by any court, hearings panel or any other entity.

OTHER TERMS

16. The terms of this Fourth Order were mutually negotiated and determined.

17. Both parties acknowledge that they understand the legal consequences of this Fourth Order, both parties enter into this Fourth Order voluntarily, and both parties agree that no term or condition of this Fourth Order is unconscionable.

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

19. This Fourth 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. Failure to comply with the terms of this Fourth Order may be sanctioned by the Inquiry Panel as set forth in Section 12-36-118(5)(g)(IV), C.R.S. This Fourth Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

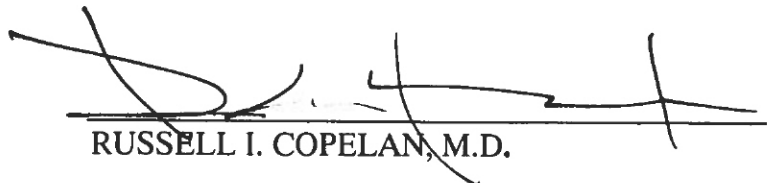
20. This Fourth Order shall be admissible as evidence at any future hearing before the Board.

21. During the pendency of any action arising out of this Fourth Order, the terms of this Fourth Order shall be deemed to be in full force and effect and shall not be tolled.

22. This Fourth 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 Fourth Order and that if the Fourth Order is not approved by the Panel and signed by a Panel member, it is void.

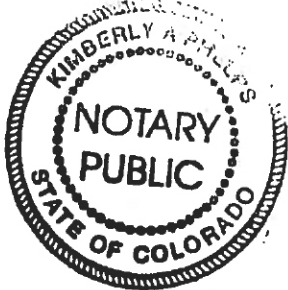
23. So that the Board may notify hospitals of this agreement pursuant to section 12-36-118(13), C.R.S., Respondent presently holds privileges at the following Colorado hospitals:

24. Upon becoming effective, this Fourth Order shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Fourth 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.



RUSSELL I. COPELAN, M.D.

RUSSELL I. COPELAN, M.D., acknowledged the foregoing before me this 30th day of December 2008, in the County of El Paso, State of Colorado.



Kimberly A. Phelps
NOTARY PUBLIC Kimberly A. Phelps

11/2/2012
Commission expiration date

THE FOREGOING Fourth Stipulation and Final Agency Order is approved and effective this 15th day of January, 2009.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS, PANEL B,

Paul Colony MD

APPROVED AS TO FORM:

FOR THE BOARD OF MEDICAL
EXAMINERS

JOHN W. SUTHERS
Attorney General

Karen M. McGovern

KAREN M. MCGOVERN #32140*
Assistant Attorney General
Business and Licensing Section
Attorneys for Board of Medical Examiners,
Inquiry Panel B
1525 Sherman Street, 7th Floor
Denver, CO 80203
Telephone: (303) 866-5455
Facsimile: (303) 866-5395
*Counsel of Record

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NO. 2011-⁰00290-B

LICENSING AGREEMENT AND FIFTH FINAL AGENCY ORDER

IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE
MEDICINE IN THE STATE OF COLORADO OF RUSSELL I. COPELAN, M.D.,

Applicant.

IT IS HEREBY STIPULATED and agreed by and between the Colorado Medical Board ("Board"), Licensing Panel ("Panel"), acting as licensing authority pursuant to Sections 12-36-104(3); 111.3, C.R.S. (2010), and Russell I. Copelan, M.D. ("Applicant"), as follows:

JURISDICTION

1. On March 18, 2010, Applicant filed an application with the Board for the reinstatement of his restricted license to practice medicine in the State of Colorado. The Panel considered Applicant's application and decided to grant Applicant a restricted license to practice medicine in Colorado subject to the terms and conditions of this Licensing Agreement and Fifth Final Agency Order ("Fifth Order").

2. The Panel and the Board have jurisdiction over Applicant and over the subject matter of this proceeding.

3. It is the intent of the parties and the purpose of this Fifth Order to provide for a settlement of all matters arising out of Applicant's March 18, 2010 application for reinstatement of his license to practice medicine in the state of Colorado, without the necessity of holding a formal hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, that modify, interpret, construe or affect this Fifth Order.

4. Applicant understands that:

a. Applicant has the right to be represented by an attorney of the Applicant's choice and Applicant has voluntarily chosen to proceed without representation;

b. Applicant has the right to a formal hearing pursuant to Sections 12-36-116(3) and 24-4-104(9), C.R.S.;

c. By entering into this Fifth Order, Applicant is knowingly and voluntarily giving up the right to a hearing, admits the facts contained in this Fifth Order, and relieves the Panel of its burden of proving such facts;

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; and

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

FACTUAL BASIS AND LICENSE HISTORY

5. Applicant specifically admits and the Panel finds that:

a. Respondent initially was licensed to practice medicine in the state of Colorado on April 8, 1982 and was issued license number 24453.

b. From approximately February 1995 to the winter of 1996-1997, Respondent engaged in a personal relationship with D.J. During the course of Respondent's personal relationship with D.J., Respondent prescribed Ativan, Lorazepam and Vicodin medications. On at least one occasion, Respondent wrote a prescription order to D.J. for Ativan on a prescription order form from Respondent's Manitou Springs medical practice, which had been closed.

c. During the course of treating D.J., Respondent did not record or maintain a patient record of his evaluation and treatment of D.J., nor chart prescription orders prescribed to D.J.

d. Respondent admits that the conduct set forth above constitutes unprofessional conduct as defined in Section 12-36-117(1)(r), C.R.S. (1997).

e. Based on the aforementioned unprofessional conduct, Applicant and the Board entered into a Stipulation and Final Agency Order ("First Order") on June 18, 1998. Applicant's license to practice medicine was suspended for 60 days, and placed on probation for five years subject to continuing medical education, chaperone, and practice monitoring requirements pursuant to the terms of this First Order.

f. On or about May 31, 1999, Applicant moved out of state and allowed his Colorado medical license to expire.

g. On or about November 2001, Applicant applied to reinstate his license. Applicant and the Board entered into a Second Stipulation and Final Agency Order ("Second Order") on February 15, 2002. This Second Order restricted Applicant's license to practice administrative medicine with no allowance for the practice of clinical medicine or patient contact.

h. On or about August 2003, Applicant petitioned the Board allow him to practice clinical medicine. On or about December 18, 2003, Applicant and the Board entered into a Third Stipulation and Final Agency Order ("Third Order"). This Third Order set forth the probationary terms and conditions under which Applicant could engage in the practice of clinical medicine.

i. On or about January 15, 2009, Applicant and the Board entered into a Fourth Stipulation and Final Agency Order ("Fourth Order"). This Fourth Order restricted Applicant's license to the practice of administrative medicine only, with no allowance for the practice of clinical medicine or patient contact.

j. On or about May 31, 2009, Applicant's restricted license to practice administrative medicine expired.

k. On March 18, 2010, Applicant filed an application with the Board for the reinstatement of a restricted license to practice administrative medicine.

l. Applicant has not maintained continued competency as set forth in Section 12-36-116(1)(d), C.R.S. and Board Rule 120, 3 CCR 713-122.

6. Based upon the above admissions and findings, Applicant agrees that the Panel is authorized by Sections 12-36-116(1)(b) and (d), C.R.S. (2010) to order such conditions upon Applicant's license to practice medicine as it deems appropriate.

7. Applicant acknowledges that by accepting this license in lieu of a hearing, Applicant waives all remedies outlined in Section 24-4-104(9), C.R.S., as provided by Section 12-36-116(3), C.R.S. (2010).

ISSUANCE OF RESTRICTED LICENSE

8. Commencing on the effective date of this Fifth Order, Applicant shall be licensed to practice medicine in Colorado subject to all terms of this Fifth Order.

PRACTICE RESTRICTION

9. Commencing on the effective date of this Fifth Order, Applicant shall limit Applicant's practice to administrative medicine and shall not engage in the practice of clinical medicine.

10. Applicant's administrative medicine practice may include continuing medical education, health care management, evidence-based medicine protocol design, management of physician behavior issues, participation in activities related to quality management, development of patient safety protocols, oversight of physicians' practice from a managerial perspective, review of physicians' performance, interdisciplinary teaching and research, including but not limited to, technological and methodological expertise in brain imaging and neurocognitive studies, and research design, including tool development, and analysis.

11. Applicant's administrative practice shall not include patient contact. Additionally, Applicant's administrative practice shall not include the administration or interpretation of patient tests, evaluations, and/or data for the purpose of directing or influencing individual patient care. Applicant further shall not perform any act that requires the exercise of discretion in the prospective authorization of medical care.

12. Applicant may petition the Board for modification of this restriction provided that Respondent has obtained an educational assessment with Colorado Personalized Education for Physicians ("CPEP") and successfully completed any learning plan recommended by CPEP.

13. The Board may further require Applicant to fulfill additional requirements that the Board deems necessary, at that time, to protect the public health, safety, and welfare. These requirements may include, but are not limited to, submitting to a mental and/or physical examination and/or evaluation by physicians designated by the Board, a probationary period, treatment monitoring, a chaperone requirement, an educational plan, and practice monitoring.

14. Additionally, Applicant will be required to demonstrate continued competency pursuant to section 12-36-116(1)(d), C.R.S., and any related Board rules and/or policies, and will be required to comply with any other statutory or regulatory requirement. The Board may choose to grant the request, may choose to deny the request, or may choose to grant the request subject to specific terms and conditions including, but not limited to, additional assessment, training, and/or supervision.

15. Applicant specifically acknowledges that the Board's decision regarding a request to modify the practice restriction shall be in the sole discretion of the Board and shall not be subject to review by any court, hearings panel or any other entity.

OTHER TERMS

16. The terms of this Fifth Order were mutually negotiated and determined.

17. Both parties acknowledge that they understand the legal consequences of this Fifth Order, both parties enter into this Fifth Order voluntarily, and both parties agree that no term or condition of this Fifth Order is unconscionable.

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

19. This Fifth Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to Section 12-36-116 and 24-4-104(9), C.R.S., except that it may not be appealed. Failure to comply with the terms of this Fifth Order may be sanctioned by the Inquiry Panel as set forth in Section 12-36-118(5)(g)(IV), C.R.S. This Fifth Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

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

21. Invalidity of any portion of this Fifth Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

22. During the pendency of any action arising out of this Fifth Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

23. So that the Board may notify hospitals of this agreement pursuant to Section 12-

36-118(13), C.R.S.(2010), Respondent presently holds privileges at the following hospitals:

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

25. Upon becoming effective, this Fifth Order shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Fifth 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.



RUSSELL I. COPELAN, M.D.

THE FOREGOING was acknowledged before me this 2 day of September, 2010,
by RUSSELL I. COPELAN, M.D. in the County of Mesa, State of Colorado.

THE FOREGOING Licensing Agreement and Fifth Final Agency Order is approved and effective this 20th day of October, 2010.

KAREN McCLELLAND
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires June 12, 2013

FOR THE COLORADO MEDICAL BOARD,
LICENSING PANEL



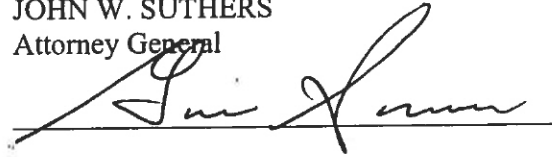
Karen McClelland MD

APPROVED AS TO FORM:

FOR THE COLORADO MEDICAL BOARD

JOHN W. SUTHERS

Attorney General

A handwritten signature in black ink, appearing to read "John W. Suthers", is written over a horizontal line.

GINA SIMONSON, #33542

Assistant Attorney General

Business and Licensing Section

Attorneys for the Colorado Medical Board,
Licensing Panel B

1525 Sherman Street, 7th Floor

Denver, Colorado 80203

Telephone: (303) 866-6849

FAX: (303) 866-5395

*Counsel of Record