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Attorneys for the Board

BEFORE THE BOARD OF PROFESSIONAL DISCIPLINE OF  
THE IDAHO STATE BOARD OF MEDICINE

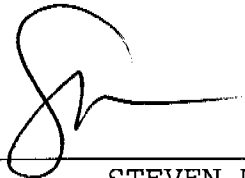
In the Matter of:	)	
	)	Case No. 89-049
MICHAEL J. APPLEBAUM, M.D.,	)	
License No. M-5597,	)	ORDER TERMINATING STIPULATION
	)	AND ORDER
Respondent.	)	
_____	)	

COMES NOW the Board, by and through its attorney of record, Jean R. Uranga, and Michael J. Applebaum, M.D., and stipulate and agree that the this matter came on for consideration by the Idaho State Board of Medicine on June 8, 2007, upon Respondent's request for termination of the Stipulation and Order. The Board reviewed the status of the Stipulation and Order issued by the Board on August 14, 1996. Based upon Respondent's compliance with the terms and conditions of the Stipulation,

IT IS HEREBY ORDERED That the Stipulation and Order of the Idaho State Board of Medicine, dated August 14, 1996, is hereby terminated.

DATED This 27 day of June, 2007.

IDAHO STATE BOARD OF MEDICINE

A handwritten signature in black ink, appearing to be 'S. Marano', written over a horizontal line.

STEVEN MARANO, M.D.  
Chairman

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IDAHO STATE BOARD  
OF MEDICINE

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Idaho State Bar No. 1763

Attorneys for the Board

BEFORE THE IDAHO STATE BOARD OF MEDICINE

In the Matter of:	)	
	)	Case No. 89-049
MICHAEL J. APPLEBAUM, M.D.,	)	
License No. M-5597,	)	CERTIFICATE OF SERVICE
	)	
Respondent.	)	
_____	)	

I HEREBY CERTIFY That on the 9 day of July, 2007, I served a true and correct copy of the Board's ORDER TERMINATING STIPULATION AND ORDER upon the Respondent by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to:

Michael J. Applebaum, M.D.  
924 12<sup>th</sup> Avenue Road  
Nampa, Idaho 83686  
**PERSONAL AND CONFIDENTIAL**

  
\_\_\_\_\_  
JEAN R. URANGA

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IDAHO STATE BOARD  
OF MEDICINE

BEFORE THE IDAHO STATE BOARD OF MEDICINE

In the Matter of: )  
)  
MICHAEL J. APPLEBAUM, M.D., ) Case No. 89-049  
License No. M-5597, )  
) **ADDENDUM TO STIPULATION**  
) **AND ORDER**  
)  
Respondent. )  
\_\_\_\_\_)

COMES NOW the Idaho State Board of Medicine, hereinafter referred to as the Board, and Michael J. Applebaum, M.D., hereinafter referred to as Respondent, and stipulate and agree that Paragraph VI (c) and (d) of STIPULATION AND ORDER, Case No. 89-049, entered by the Board on August 14, 1996, shall be amended as follows:

- (c) Respondent shall be ineligible to hold, and shall not apply for, registration with D.E.A. or the Idaho State Board of Pharmacy to prescribe, dispense or administer controlled substances, except for Schedule IV through II non-narcotic psychotropic controlled substances.
- (d) Respondent shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, possess (except as allowed under Paragraph (g) of STIPULATION AND ORDER, Case No. 89-049) any controlled substances as defined by state or federal law with the exception of Schedule IV through II non-narcotic psychotropic controlled substances.

The parties further stipulate and agree that, except for the above noted amendment to Paragraph VI (c) and (d), all other terms and conditions of the STIPULATION AND ORDER, Case No. 89-049, entered on August 14, 1996, shall remain in full force and effect.

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IDAHO STATE BOARD  
OF MEDICINE

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Attorneys for the Board

BEFORE THE BOARD OF PROFESSIONAL DISCIPLINE OF  
THE IDAHO STATE BOARD OF MEDICINE

In the Matter of:	)	
	)	Case No. 89-049
MICHAEL J. APPLEBAUM, M.D.,	)	
License No. M-5597,	)	STIPULATION AND ORDER
	)	
Respondent.	)	
_____	)	

COMES NOW the Board of Professional Discipline of the Idaho State Board of Medicine, hereinafter referred to as the Board, and Michael J. Applebaum, M.D., hereinafter referred to as Respondent, and stipulate and agree as follows:

I

Respondent is the holder of an Idaho license to practice medicine and surgery, License No. M-5597, issued by the Idaho State Board of Medicine on September 30, 1989, pursuant to the terms and conditions of the Stipulation and Order dated October 13, 1989, a copy of which is attached hereto as Exhibit A. Said license is also subject to the provisions of Title 54, Chapter 18, Idaho Code, commonly known as the Medical Practice Act.

II

Prior to issuance of his Idaho license, Respondent executed the Stipulation and Order which is attached hereto as Exhibit A.

Pursuant to the terms and conditions of that Stipulation, he was required, among other things, to abstain from use of all mind-altering chemicals and drugs, except those prescribed by another physician, to report any slips from total abstinence, and to report all personal use of prescription drugs. The term of the Stipulation was indefinite and by letter dated January 3, 1994, Respondent requested the Board to terminate the Stipulation and Order and falsely stated that he had been in full compliance with the prior Stipulation and Order of the Board. Based upon Respondent's false representations, the Board did terminate the initial Stipulation and Order by Order dated March 18, 1994, a copy of which is attached hereto as Exhibit B.

Thereafter, on or around September, 1994, controlled substances were stolen by Respondent from his employer and he was charged with three felonies. He re-entered a treatment program and acknowledges and admits that he had resumed the use of drugs and alcohol since 1993. Respondent pled guilty to a felony count of illegal possession of a controlled substance.

### III

The acts and practices of Respondent, as alleged in Paragraph II above, constitute violations of the Medical Practice Act in that:

(a) Respondent has pled guilty to and received a withheld judgment for a felony, in violation of Idaho Code §54-1814(1).

(b) Respondent has used false and fraudulent statements in connection with licensing and other requirements of the Stipulation and Order and the Medical Practice Act, in violation of Idaho Code §54-1814(2).

(c) Respondent has prescribed or furnished narcotic or hallucinogenic drugs to himself, an addicted person, to maintain his addiction and level of usage without attempting to treat the primary condition requiring the use of narcotics, in violation of Idaho Code §54-1814(11).

(d) Respondent has prescribed or furnished narcotics, stimulating or dangerous drugs to himself for other than treatment of any disease, injury or medical condition, in violation of Idaho Code §54-1814(12).

(e) Respondent has practiced medicine in violation of a voluntary restriction or terms of probation pursuant to this Chapter, in violation of Idaho Code §54-1814(19).

(f) Respondent has committed an act constituting a felony or crime involving moral turpitude, in violation of Idaho Code §54-1814(21).

(g) Respondent has provided health care which fails to meet the standard of care provided by other qualified physicians by prescribing and distributing controlled substances to himself, in violation of Idaho Code §54-1814(7) and IDAPA 22.01.01.101.03.e.

#### IV

The Board believes it has sufficient evidence to support disciplinary action based upon these allegations, but rather than pursuing a formal investigation and hearing, the parties are voluntarily entering into this Stipulation and Order for the purpose of informally responding to the concerns of the Board and for the purpose of providing an acceptable procedure for dealing with the alleged problems.

V

Respondent knowingly and voluntarily waives any right to a formal hearing, to present evidence, to cross-examine witnesses, to reconsideration and appeal and to other rights accorded him pursuant to the Administrative Procedure Act and the Medical Practice Act which he might otherwise possess with respect to this Stipulation.

VI

In order to respond to these allegations, Respondent hereby stipulates and agrees that:

(a) Respondent's Idaho license to practice medicine and surgery shall be revoked; provided however, the revocation shall be stayed so long as Respondent complies with all terms and conditions of this Stipulation and Order.

(b) Respondent shall execute a contract with the Idaho Medical Association Physician Health Program and shall provide a copy of said contract to the Board. Respondent shall comply, in all respects, with the terms and conditions of that contract, and shall authorize the IMA to provide the Board with regular status reports on Respondent's compliance.

(c) Respondent shall be ineligible to hold, and shall not apply for, registration with D.E.A. or the Idaho State Board of Pharmacy to prescribe, dispense or administer controlled substances, except psychotropics and anti-depressants.

(d) Respondent shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, possess (except as allowed under Paragraph (g) below) any controlled substances as defined by state or federal law, except psychotropics and anti-



depressants.

(e) Respondent shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Respondent's history of chemical dependency.

(f) Respondent shall abstain completely from the use of alcohol.

(g) Respondent shall submit to random urine screenings for drugs on a weekly basis or as otherwise directed by the IMA Physician Health Program. Respondent is to ensure that all screening reports are forwarded directly to the Board on a monthly basis. Respondent shall submit the required urine specimens to a supervising physician to be approved by the Board. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results. In the event that the designated supervising physician becomes unable or unwilling to so serve, Respondent must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.

(h) The Board retains the right to require, and Respondent agrees to submit, blood or urine specimens for analysis upon request and without prior notice.

(i) Respondent shall have a monitoring physician, approved by the Board, who shall monitor him and provide the Board with reports on the doctor's progress and status. Respondent is to ensure that

said reports are forwarded to the Board on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Respondent must immediately so notify the Board in writing, and make arrangements acceptable to the Board for another physician to monitor his progress and status as soon as practicable.

(j) Respondent shall provide all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges, with a copy of this Stipulation and Order.

(k) Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Idaho, and shall comply with the terms of his criminal sentence.

(l) Respondent shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Stipulation and Order.

(m) Respondent shall report by telephone or appear in person for interviews before the Board or its designated representative at three month intervals, or as otherwise directed by the Board.

(n) In the event that Respondent should leave Idaho for three (3) continuous months, or reside or practice outside the State, Respondent must notify the Board in writing of the dates of departure and return. Periods of time spent outside Idaho will not apply to the reduction of this period under the Stipulation and Order.

## VII

This Stipulation and Order shall remain in force indefinitely and shall remain in force for a minimum of eight (8) years prior to any request for termination of this Stipulation and Order.

VIII

If, in the discretion of the Idaho State Board of Medicine, Respondent appears to have violated or breached any terms or conditions of this Stipulation and Order, the Idaho State Board of Medicine reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Idaho occurring before the effective date of this Stipulation and Order. If such proceedings are instituted or if Respondent tests positive on any of the drug screenings or if the Board receives any evidence of relapse, the stay of revocation shall be summarily terminated and Respondent's license shall be immediately revoked pending any further proceedings.

IX

Any action initiated by the Board based on alleged violations of this Stipulation and Order shall comply with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, the Medical Practice Act and the Rules of Practice and Procedure of the Board.

X

Respondent hereby releases the Idaho State Board of Medicine, its members, employees, agents, officers and representatives, jointly and severally, from any and all liability arising from the within matter.

XI

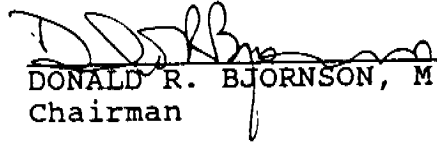
This Stipulation and Order shall be considered a public record as that term is used in the Idaho Code, and shall become effective upon the last date of signature below.

XII

Respondent further agrees to execute a Release authorizing any person or entity having information relevant to Respondent's compliance with the provisions of this Stipulation and Order to release such information to the Board.

DATED This 14 day of ~~July~~<sup>Aug</sup>, 1996.

BOARD OF PROFESSIONAL DISCIPLINE

  
DONALD R. BJORNSON, M.D.  
Chairman

DATED This 30th day of July, 1996.


  
MICHAEL J. APPLEBAUM, M.D.

ORDER

Pursuant to Idaho Code §§54-1806(A)(6)(e) and 54-1806(A)(10), the Board hereby accepts the terms and conditions of the foregoing Stipulation and it is hereby ordered that Respondent comply with said terms and conditions. Based upon the foregoing, further formal proceedings will be waived.

DATED This 14 day of ~~July~~<sup>Aug</sup>, 1996.

BOARD OF PROFESSIONAL DISCIPLINE

  
DONALD R. BJORNSON, M.D.  
Chairman