BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NO. 2014-2585-LICENSING

LICENSENG STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF APPLICATION FOR A LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF RONALD BERT FRENKEL, M.D.,

Applicant.

IT IS HEREBY STIPULATED and agreed by and between the Colorado Medical Board ("Board"), the Licensing Panel ("Panel"), acting as licensing authority pursuant to Section 12-36-111.3, C.R.S., and Ronald Bert Frenkel, M.D. (Applicant"), (collectively "the parties") as follows:

JURISDICTION

1. On March 18, 2014 Applicant filed an application with the Board for a license to practice medicine in the State of Colorado ("License"). The Panel reviewed this application and determined that Applicant is eligible for a License subject to the terms and conditions of this Licensing Stipulation and Final Agency Order ("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 Order to provide for a settlement of all matters arising out of Applicant's March 18, 2014 application for a License, without the necessity of formal review proceedings. This Order, consisting of 9 pages and a certificate of service, 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 Order. This Order may not be modified without the written agreement of the parties.

4. Applicant understands that:

a. Applicant has the right to be represented by an attorney of the Applicant's choice and Respondent is represented by counsel;
b. Applicant has the burden of proof to establish that Applicant possesses the qualifications and standard required for Licensure as set forth in Section 12-36-111, C.R.S.;

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

5. By entering into this Order, Applicant knowingly and voluntarily
   a. gives up the right to a hearing,
   b. admits the facts contained in this Order,
   c. consents to the terms as outlined in this Order; and
   d. agrees that the terms as outlined in this Order are valid pursuant to Section 24-4-104(2), C.R.S.

6. Applicant knowingly and voluntarily waives any right to seek agency and judicial review of this Order as set forth in Sections 12-36-116(3), 12-36-119, and 24-4-104(9), C.R.S.

FACTUAL AND LEGAL BASIS

7. Applicant specifically admits and the Panel finds that:
   a. Applicant entered into a Consent Order with the state of Virginia dated May 4, 2006 ("Virginia Consent Order"), which constituted discipline against his Virginia license to practice medicine;

   b. In his March 18, 2014 application for a Colorado medical license, Applicant inaccurately claimed that he had not been disciplined by any licensing agency in another state or country in response to a question on the Board’s application form requesting this information.

   c. Applicant has asserted that he included an “Attachment” with his Colorado application explaining the circumstances of entering the Virginia Consent Order, but the Board asserts it did not receive such an “Attachment”. Applicant also asserts he relied upon the advice of his Virginia counsel that he had not been disciplined in Virginia.

8. Applicant has established the qualifications and standards for licensure contingent upon the successful completion of the probationary terms outlined in this Order.
9. Applicant admits and the Panel finds that the conduct set forth above constitutes a legal basis for probationary terms of licensure pursuant to Section 12-36-116(1), C.R.S. Specifically:

a. Pursuant to Section 12-36-116(1)(b), C.R.S., Applicant has engaged in unprofessional conduct as defined in 12-36-117(1)(a) by failing to accurately answer the Board application Part V question requiring disclosure of discipline by any licensing agency in another state or country;

b. Pursuant to Section 12-36-116(1)(c), Applicant has been disciplined in another state jurisdiction.

ISSUANCE OF LICENSE

10. Commencing on the effective date of this Order, the Panel grants the Applicant a License subject to all terms of this Order.

PROBATIONARY TERMS

11. Applicant's license to practice medicine is hereby placed on probation for one year commencing on the effective date of this Order. All terms of probation shall be effective throughout the probationary period and shall constitute terms of this Order.

Applicant's license shall be bound by the following terms during the probationary period:

ProBE PROGRAM

12. Applicant shall successfully complete the ProBE Professional/Problem-Based Ethics Program ("ProBE") conducted by the Center for Personalized Education for Physicians ("CPEP").

13. Applicant shall sign any and all releases necessary to allow CPEP to communicate with the Panel directly. Respondent shall not revoke such releases prior to successful completion and final assessment following completion of ProBE. Any failure to execute such a release or any premature revocation of such a release shall constitute a violation of this Order.

14. In order to successfully complete ProBE, Applicant's participation in the course must be rated as successful by CPEP, without condition or qualification. Either CPEP or the Applicant shall provide proof of successful completion to the
Board. The Board, in its discretion, may impose further remedial coursework if the Applicant receives a conditional pass or negative assessment from CPEP.

**TOLLING OF THE PROBATIONARY PERIOD**

15. The probationary period will be tolled for any period of time Applicant’s License is in an inactive status, Applicant is noncompliant with the Orders’ terms, or if Applicant ceases the active clinical practice of medicine, defined for the purposes of this Order as evaluating or treating a minimum of five patients per month.

16. At any time, whether to practice out of state or for any other reason, Applicant may request, in writing, that the Board place Applicant’s license on inactive status as set forth in Section 12-36-137, C.R.S. Upon the approval of such request, Applicant may cease to comply with this Order. While inactive, Applicant shall not perform any act in the state of Colorado that constitutes the practice of medicine nor shall Applicant perform any act in any other jurisdiction pursuant to the authority of his License. Unless Applicant’s license is inactive, Applicant must comply with all provisions of this Order, irrespective of Applicant’s location.

17. Applicant may apply to resume the active practice of medicine subject to the remaining probationary terms of this Order upon submitting an application to resume practice as set forth in Section 12-36-137(5), C.R.S. With such an application, Applicant shall include a copy of this Order and any documentation deemed necessary by the Board to establish his compliance therewith. Depending on the specific circumstance of the inactive period the Board may require Applicant to undergo any relevant evaluation or assessment to establish Applicant’s qualifications for licensure.

**TERMINATION OF PROBATION**

18. Upon the expiration of the probationary period, Applicant may submit a written request for release from this Order’s probationary terms. Applicable tolling periods or delay in Applicant’s commencement and completion of this Order’s probationary terms and requirements will delay the Applicant’s successful completion of the probationary period. If Applicant has complied with the terms of probation, and the probationary period has not been tolled, such release shall be granted by the Board in the form of written notice.

**OTHER TERMS**

19. The terms of this Order were mutually negotiated and determined.
20. This Order constitutes discipline against Applicant's license. Both parties acknowledge that they understand the legal consequences of this Order, both parties have been represented by counsel, both parties enter into this Order voluntarily, and both parties agree that no term or condition of this Order is unconscionable.

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

22. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to Sections 12-36-116 and 24-4-104(9), C.R.S., except that it may not be appealed.

23. During the probationary period or any period in which Applicant is subject to prescribing restrictions, Applicant shall not perform an assessment of a patient's medical history and current medical condition, including a personal physical examination, for the purpose of concluding that a patient may benefit from the use of medical marijuana, recommending the use of medical marijuana or certifying a debilitating medical condition for an applicant to the Colorado Medical Marijuana Program. Applicant hereby understands and agrees that he shall not certify to the state health agency that a patient has a debilitating medical condition or that the patient may benefit from the use of medical marijuana.

24. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

25. This Order, if in effect, shall be admissible as evidence at any future hearing or any other proceeding before the Board.

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

27. So that the Board may notify hospitals of this agreement pursuant to Section 12-36-118(13), C.R.S., Applicant presently holds privileges at or is employed by the following hospitals and facilities:

NONE in Colorado

28. 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.
29. Applicant acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member or other authorized person, it is void. If voided for this reason, this Order shall not be admissible pursuant to Colorado Rule of Evidence 408 in any forum.

30. This Order shall be effective upon (a) mailing by first-class mail to Applicant at Applicant's address of record with the Board, or (b) service by electronic means on Applicant at Applicant's electronic address of record with the Board. Applicant hereby consents to service by electronic means if Applicant has an electronic address on file with the Board. This Order will be served upon Applicant's counsel of record in OAC ME 2014-0013 at her electronic address of record.

31. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported to the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.

32. The litigation identified at the Office of Administrative Courts as OAC ME 2014-0013 shall by dismissed with prejudice by stipulation of the parties upon the effective date of this Order.

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ACCEPTED AND APPROVED this \( \frac{6}{th} \) day of May, 2015.

Ronald Bert Frenkel, M.D.

THE FOREGOING Licensing Stipulation and Final Agency Order was acknowledged before me this \( \frac{6}{th} \) day of May, 2015 by Ronald Bert Frenkel, M.D. in the County of Virginia Beach, State of Virginia.

MARIE GLORIA SANIANDO
Notary Public
Commonwealth of Virginia
7326165
My Commission Expires Mar 31, 2018

Mar 31, 2018
My commission expires
THE FOREGOING Licensing Stipulation and Final Agency Order is approved this 20 day of May, 2015.

FOR THE COLORADO MEDICAL BOARD LICENSING PANEL

Chair, Licensing Panel

THE FOREGOING Licensing Stipulation and Final Agency Order is effective upon service to Applicant, on May 20, 2015.
APPROVED AS TO FORM:

FOR THE APPLICANT
RONALD BERT FRENKEL, M.D.

SHEILA H. MEER, P.C.

[Signature]
Sheila H. Meer, No 1508
4535 East Colfax Avenue Denver,
Colorado 80220
Telephone: (303) 333-6330
FAX: (303) 333-6331
smeer@meeorschatz.com
Counsel for Applicant

5/6/15

FOR THE COLORADO MEDICAL BOARD

CYNTHIA H. COFFMAN
Attorney General

[Signature]
Leanne B. De Vos*, No. 15937
Assistant Attorney General
Business and Licensing Section
Attorneys for the Colorado Medical Board
Licensing Panel
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th Floor
Denver, Colorado 80203
Telephone: (720) 508-6411
FAX: (720) 508-6037
leanne.devos@state.co.us
*Counsel of Record