VIA CERTIFIED MAIL

March 9, 2017
Case No. 2016-6541-A

Barry M. Miskin, M.D.

Dear Dr. Miskin:

Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") has concluded its inquiry regarding the Final Order Issued by the Florida Board of Medicine on December 8, 2016. It was the Panel’s decision not to commence with formal proceedings against your license to practice medicine. However, the Panel did vote to administer disciplinary action to you in the form of this letter of admonition.

Section 12-36-117(2) of the Colorado Revised Statutes provides that the discipline of a license to practice medicine in another state, territory or country shall be deemed to be unprofessional conduct if the disciplinary action is based upon an act or omission in such other state, territory, or country that is substantially similar to unprofessional conduct as set forth in the Colorado Medical Practice Act. For purposes of that subsection (2), “discipline” includes any sanction required to be reported to the National Practitioner Data Bank pursuant to 45 C.F.R., section 60.8.

Panel A found that the action taken by the Florida Board of Medicine with respect to substandard patient care was based on acts or omissions defined as unprofessional conduct in Colorado. Therefore the discipline imposed pursuant to your December 8, 2016 Final Order with the Florida Board of Medicine is unprofessional conduct as defined by section 12-36-117(2) of the Colorado Revised Statutes.
By this letter, the Panel hereby admonishes you and cautions you that complaints disclosing any repetition of such practice may lead to the commencement of formal disciplinary proceedings against your license to practice medicine, wherein this letter of admonition may be entered into evidence as aggravation.

You are advised that it is your right to have this case reviewed in an administrative proceeding. To do so, you must submit a written request within twenty (20) days after receipt of this letter. In your request, you must clearly ask that formal disciplinary proceedings be initiated against you to adjudicate the propriety of the conduct upon which this letter of admonition is based. If such request is timely made, this letter of admonition will be deemed vacated, and the matter will be processed by means of a formal complaint and hearing. This is in accordance with the provisions of the Medical Practice Act governing the discipline of licensed physicians.

Sincerely,

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

Donna M. Baldwin, D.O.
Chair