

# STATE OF COLORADO

## STATE BOARD OF MEDICAL EXAMINERS

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### VIA CERTIFIED MAIL

March 9, 2006

Case No. 2006-000626-A

Joseph A. Lovato, D.O.  
Complete Family Care  
11310 N Huron St Ste 100  
Northglenn CO 80234

Dear Dr. Lovato:

Inquiry Panel A of the Colorado Board of Medical Examiners has reviewed the status of its inquiry regarding your role in the care and treatment of patient J.B. 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.

Board records reflect that J.B. was a 69-year-old male being treated by your practice for difficulty urinating, urinary incontinence and bothersome nocturia. At his initial visit, he was also found to have a distended bladder; one of your partners made the diagnosis of urinary retention and benign prostate hypertrophy. Flomax was prescribed to treat this condition and J.B. was instructed to return in four weeks. A serum creatinine was requested on the initial visit. Unfortunately, no follow up of this laboratory test was done until you saw J.B. one month later. You identified that this man was suffering from renal insufficiency, but did nothing to further evaluate or remedy this condition. You merely ordered another test of renal function with follow up three months later.

The Panel found your care and treatment of patient J. B. on March 20, 2003 fell below the generally accepted standards of medical practice for a family physician in the state of Colorado and constitutes a violation of section 12-36-117 of the Colorado Revised Statutes. Specifically, your history and physical examination of the patient was substandard. There is no evidence that you inquired into how the patient was feeling, why he had lost 12 pounds, whether his urination was better, whether he was still having nocturia and if he was taking other medications. Your care of patient J.B. was also substandard in that you performed no medical examination of the patient. At his prior visit, the patient had a distended bladder and this should have been re-examined. No rectal examination was done to evaluate the patient's prostate, which should have been part of your examination. Further studies should have been ordered in a patient with an acute renal failure, including a renal ultrasound. Your failure to perform a more thorough history, physical examination and radiologic evaluation of J.B. on March 20, 2003 constituted substandard medical care.

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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 by judicial procedure. 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.

Very truly yours,

FOR THE BOARD OF MEDICAL EXAMINERS  
INQUIRY PANEL A



Patrick O. Faricy, M.D.  
Chair

POF/de