

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

STIPULATED LETTER OF ADMONITION

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF BYRON D. JONES, M.D. LICENSE NUMBER 30302,

Respondent.

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

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on July 12, 1990 and was issued license number 30302, 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 October 12, 2005, the Panel reviewed case number 2005-000757-A. The Panel thereupon referred the matter to the Attorney General pursuant to § 12-36-118(4)(c)(IV), C.R.S. for further proceedings, investigation, and commencement of a formal complaint against Respondent's license to practice medicine.
4. It is the intent of the parties and the purpose of this Stipulated Letter of Admonition and Final Agency Order ("Order") to provide for a settlement of all matters set forth in case number 2005-000757-A without the necessity of holding a formal disciplinary hearing. This Stipulated Letter of Admonition 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 Order.
5. Respondent understands that:
 - a. Respondent has the right to be represented by an attorney of the Respondent's choice and Respondent is so represented in this matter;
 - b. Respondent has the right to a formal disciplinary hearing pursuant to § 12-36-118(5), C.R.S.

c. By entering into this Stipulated Letter of Admonition, 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.

6. Respondent specifically admits and agrees as follows:

a. Respondent provided care and treatment to a former female patient in August and September 2002.

b. After terminating the patient's care in September 2002 and before six months had elapsed from the time the patient was terminated from Dr. Jones' care, Dr. Jones entered into a personal and sexual relationship with the patient.

7. Respondent admits that the conduct set forth above is in violation of § 12-36-117(1) (r), C.R.S.

8. Based upon the above, the Panel is authorized by § 12-36-118(5)(g)(III), C.R.S., to enter a letter of admonition to Respondent and to order such conditions upon Respondent's practice that it deems appropriate.

LETTER OF ADMONITION

9. This Order shall constitute a Letter of Admonition as set forth in § 12-36-118(4)(c)(III), C.R.S and disciplinary action authorized by § 12-36-118(5)(g)(III), C.R.S. Respondent is hereby admonished for the acts described in paragraphs 6 and 7, above.

10. By entering into this Stipulation and Final Agency Order, Respondent agrees to waive the right provided by § 12-36-118(4)(c)(III), C.R.S. to contest this letter of admonition.

OTHER TERMS

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

12. 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.

13. 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.

14. Respondent shall obey all state and federal laws in the future relative to the practice of medicine.


15. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § 12-36-118(5)(g)(III), C.R.S., except that it may not be appealed. 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.

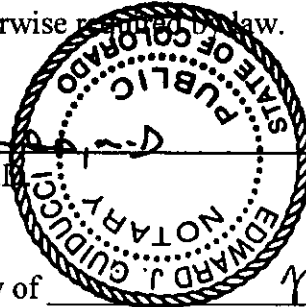
16. This Order shall be admissible as evidence at any future hearing before the Board.

17. 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.

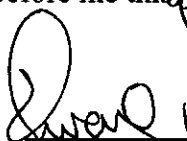
18. This Order shall be effective upon approval by the Panel and signature by a Panel member. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member, it is void.

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


Byron D. Jones, M.D.



The foregoing was acknowledged before me this 14th day of March 2006
by Byron D. Jones, M.D.


NOTARY PUBLIC

7-25-07
Commission expiration date

THE FOREGOING Stipulation and Final Agency Order is approved and effective this

6th day of April, 2006

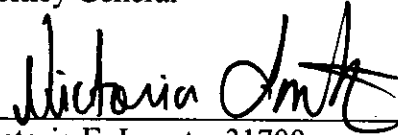
FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS

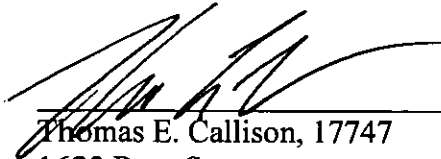
INQUIRY PANEL A



APPROVED AS TO FORM:

JOHN W. SUTHERS
Attorney General





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DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202	FILED Document CO Denver County District Court 2nd JD Filing Date: Apr 29 2005 2:14PM MDT Filing ID: 5722180 Review Clerk: Suzann M Shotts
BYRON D. JONES, M.D., Plaintiff, v. COLORADO STATE BOARD OF MEDICAL EXAMINERS, Defendant.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
JOHN W. SUTHERS, Attorney General ILENE WOLF MOORE, Assistant Attorney General* 1525 Sherman Street, 5 th Floor Denver, CO 80203 303-866-5275 Registration Number: 28898 *Counsel of Record	Case No.: 05CV2887 Ctrm.: 4
PROPOSED TEMPORARY RESTRAINING ORDER	

This matter having come before the Court on Dr. Byron D. Jones's ("Dr. Jones") Motion for Temporary Restraining Order pursuant to Rule 65(b), the Court having reviewed that motion and having heard argument from respective counsel, and the Court being fully advised in the premises herein, orders as follows:

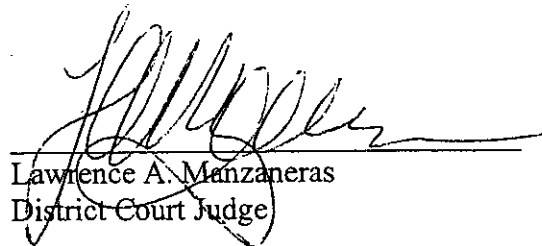
1. The Colorado State Board of Medical Examiners, Inquiry Panel A ("Board") ordered that Dr. Jones undergo a mental and/or physical examination by the Colorado Physicians Health Program ("CPHP") on January 14, 2005 ("January 14, 2005 Order") pursuant to C.R.S. § 12-36-119(9)(a), (2005).
2. The Court finds that the Board had reasonable cause to Order Dr. Jones to CPHP and, therefore, denies Dr. Jones's motion to restrain temporarily the Board's January 14, 2005 Order.
3. The Court finds, however, that Dr. Jones is in substantial compliance with the January 14, 2005 Order as he is scheduled to undergo an evaluation by CPHP on June 8, 2005.

4. The Court further finds that Dr. Jones will suffer irreparable harm should his medical license remain summarily suspended and, therefore, restrains the Board from enforcing its Order of Summary Suspension dated April 13, 2005.

5. The Court also notes that it is prepared to vacate immediately this Order should Dr. Jones fail to remain in full compliance with this Order and the January 14, 2005 Order of the Board.

6. The Board's motion to vacate the hearing scheduled for April 29, 2005 at 1:30 p.m. is granted. Should Dr. Jones wish to proceed with a preliminary injunction hearing, his counsel shall set a scheduling conference with the Court.

DATED this 23rd day of June ~~April~~ 2005.


Lawrence A. Manzaneras
District Court Judge

STATE OF COLORADO

BOARD OF MEDICAL EXAMINERS

Susan Miller
Program Administrator

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Department of Regulatory Agencies

M. Michael Cooke
Executive Director

Division of Registrations

Bruce M. Douglas, Director



Bill Owens
Governor

VIA CERTIFIED MAIL

September 6, 2001
Case #5101013110
Case #5100011620

Byron D. Jones, M.D.
Denver Spine & Rehabilitation
1000 S. Colorado Blvd.
Glendale, CO 80246

Dear Dr. Jones:

Inquiry Panel A of the Colorado Board of Medical Examiners has concluded its inquiry regarding your role in the care and treatment of patient L.T. The Panel also reviewed a prior complaint filed against you by patient E.R. 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 L.T. was a patient you began treating in September of 1994 for an acute cervical sprain which was a work related injury. In February of 1998, the patient was authorized to obtain acupuncture treatment for her cervical pain. These treatments were successful and you requested additional acupuncture for the patient to be used on a maintenance basis. In 1999, you submitted an updated evaluation for L.T. indicating that the primary cause of her problem was degenerative disc disease, which had been indicated on a September 1998 MRI, as opposed to the original cervical disc disease which was the cause of her work related injury claim. Consequently, her request for further acupuncture treatments was denied. The appeal hearing regarding the denial of further acupuncture treatment was scheduled for October 1999. Although you were paid \$200 to submit a report on behalf of L.T., a report was not received. The hearing was continued so that you would have time to file a report. L.T.'s attorney faxed and phoned you on several occasions yet you filed no report. In your response regarding this complaint, you indicated that you never saw the November 1999 letter requesting a supplemental report or any subsequent correspondence sent to you by the patient's attorney. Your response further indicated that these letters from 1999 were recently found in a medical assistant's expandable filing system waiting to be filed in the patient's chart.

Letter to Byron D Jones, M D
Case #5101013110
Case #5100011620
September 6, 2001
Page two

Board records reflect that patient E.R. was a patient whom you treated for work related injuries of both her upper and lower extremities. She was evaluated by you in March of 1998 and treated by you until April 1999. E.R. filed a complaint against you with the Board of Medical Examiners in November of 1999 alleging that your failure to timely complete the appropriate form for the Office of Worker's Compensation led to a determination by that agency that the patient was capable of returning to work. E.R. then moved to Florida and requested on numerous occasions information from you regarding your medical diagnosis, treatment plan, and test results. Those requests were not addressed.

The Panel found your pattern of failing to timely address requests for needed information regarding patients' health status constituted unprofessional conduct.

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



Jane A. Kennedy, D.O.
Chair

JAK/de