

**State Medical Board of Ohio**  
30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

April 8, 2009

David P. Olson, M.D.  
5 Mineral Farms lane  
P. O. Box 1269  
Ouray, CO 8147-1269

RE: Case No. 08-CRF-045

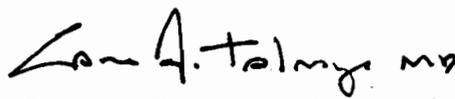
Dear Doctor Olson:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 8, 2009, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

  
Lance A. Talmage, M.D. *rw*  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3936 3071 0610  
RETURN RECEIPT REQUESTED

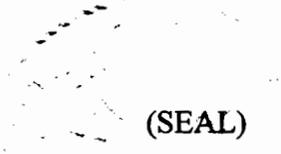
Cc: Kevin P. Byers, Esq.  
CERTIFIED MAIL NO. 91 7108 2133 3936 3071 0627  
RETURN RECEIPT REQUESTED

*Mailed 5.4.09*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 8, 2009, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of David P. Olson, M.D., Case No. 08-CRF-045, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D.  
Lance A. Talmage, M.D. RW  
Secretary

April 8, 2009  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

CASE NO. 08-CRF-045

\*

DAVID P. OLSON, M.D.

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on April 8, 2009.

Upon the Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that no further action shall be taken in the matter of David P. Olson, M.D.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)

*Lance A. Talmage MD*

Lance A. Talmage, M.D. *rw*  
Secretary

April 8, 2009

Date

STATE MEDICAL BOARD  
OF OHIO

2009 MAR 13 P 1:30

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

**In the Matter of**

**David P. Olson, M.D.,**

**Respondent.**

\*

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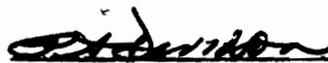
**Case No. 08-CRF-045**

**Hearing Examiner Davidson**

**ERRATA**

The following line of text was omitted and should appear as the first line of text on Page 2 of the Amended Report and Recommendation filed March 9, 2009.

May 2002, the Colorado Board granted the license on condition that he complete an



Patricia A. Davidson  
Hearing Examiner

BEFORE THE STATE MEDICAL BOARD OF OHIO

2009 MAR -9 P 1: 24

**In the Matter of**

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**Case No. 08-CRF-045**

**David P. Olson, M.D.,**

\*

**Hearing Examiner Davidson**

**Respondent.**

\*

**AMENDED REPORT AND RECOMMENDATION<sup>1</sup>**

Basis for Hearing

In a notice of opportunity for hearing dated April 9, 2008, the State Medical Board of Ohio [Board] notified David P. Olson, M.D., that it intended to determine whether to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on an allegation that, when Dr. Olson applied to reactivate his Colorado medical license after not practicing medicine for several years, the Colorado Board of Medical Examiners [Colorado Board] and Dr. Olson entered into an agreement pursuant to which his application was granted on condition that he demonstrate continued competence by successfully completing an assessment and training program recommended by the Center for Personalized Education for Physicians [CPEP]. In addition, the Board alleged that the Colorado Board had granted Dr. Olson a limited license for the purpose of completing the CPEP program. Further, the Board alleged that the agreed order, entered into by Dr. Olson and the Colorado Board, constitutes grounds for Board action under R.C. 4731.22(B)(22). (State's Exhibit 1A)

On May 2, 2008, Dr. Olson requested a hearing. (State's Exhibit 1B)

Appearances

Richard Cordray, Attorney General, by Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio.

Kevin P. Byers, Esq., on behalf of the Respondent, Dr. Olson.

Hearing Date: February 3, 2009

**SUMMARY OF THE EVIDENCE**

All exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. In May 2006, David P. Olson, M.D., filed an application to reactivate his license to practice medicine in Colorado. Because Dr. Olson had not actively practiced medicine since

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<sup>1</sup> This Amended Report and Recommendation supersedes the previously filed Report & Recommendation. The list of case citations on pages 4-5 was corrected; no other modifications were made.

assessment and training program (“training program”) recommended by CPEP, which is located in Denver, Colorado. This condition, along with associated terms and conditions, was set forth in a negotiated agreement and order (“agreed order”) that Dr. Olson signed in November 2007 and which became effective on final signing by a Colorado Board representative in December 2007. (St. Ex. 2)

In addition, in the agreed order, the Colorado Board granted Dr. Olson a limited license that would permit him to participate in the training program.<sup>2</sup> (St. Ex. 2)

2. The Colorado Board has stated that its agreed order was not a disciplinary action. In a letter dated June 6, 2008, the Colorado Board stated that the agreed order did not involve “a disciplinary action or a probationary license.” The Colorado Board explained that, whenever an applicant has not practiced medicine for the two-year period preceding the application, the administrative rules in Colorado require that the applicant demonstrate continued competence by completing an “education plan,” and that, if the physician successfully completes the plan, he is granted an unrestricted license. The Colorado Board further explained that the limited license allowed Dr. Olson to practice medicine in order to participate in the training program. (St. Ex. 1A, 2; Resp. Exs. A, B)
3. The summary report from CPEP shows that it developed a “Re-Entry Learning Program” for Dr. Olson in the field of family medicine, which included an initial period of self study including participation in grand rounds, attending conferences and CME programs, summarizing articles, and a CPEP assessment of his understanding of the latest clinical guidelines. The second phase of the training program involved a period of shadowing a practitioner and continuing with self-study activities. During the final phase of the training program, Dr. Olson treated patients under supervision, and his charts were reviewed by a preceptor and CPEP staff. (Resp. Ex. D)
4. Dr. Olson successfully completed all phases of the required training program. The CPEP report states that Dr. Olson “demonstrated appropriate clinical judgment and patient care.” In addition, during the urgent-care component of the final training phase, Dr. Olson saw more patients than required. The report states that Dr. Olson “successfully completed all Plan Objectives, which concludes his activities in the Re-Entry Learning Program.” (Resp. Ex. D)
5. In a letter dated December 2, 2008, the Colorado Board notified Dr. Olson that his completion of the CPEP program fulfilled the licensure condition in the agreed order. The Colorado Board stated that Dr. Olson’s license was “restored to an active status with no conditions.” Further, the Colorado Board expressed “its sincere appreciation” to Dr. Olson for his “cooperation and understanding in resolving this matter.” (Resp. Ex. C)

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<sup>2</sup> It is clear from the summary report provided by CPEP that the training program required Dr. Olson to practice medicine under the supervision of a preceptor. (Resp. Ex. D) Thus, the limited license was necessary to permit him to engage in clinical activities that were part of the training program.

### FINDINGS OF FACT

1. In December 2007, David P. Olson, M.D., entered into an agreement with the Colorado Board of Medical Examiners [Colorado Board] under which the Colorado Board granted his application to reactivate his Colorado medical license on condition that he demonstrate continued competence by successfully completing an assessment and training program [training program] as recommended by the Center for Personalized Education for Physicians [CPEP] in Colorado. This condition was based on Dr. Olson's not having practiced medicine during the two years preceding his application.

In order for Dr. Olson to participate in the CPEP training program, it was necessary for him to engage in the practice of medicine under supervision, and, therefore, the Colorado Board granted him a limited license for purposes of training, which allowed him to practice medicine only within the CPEP training program.

2. The Colorado Board made clear that its granting of a temporary, limited license and its conditional granting of Dr. Olson's application did not constitute a disciplinary action. In addition, the Colorado Board stated that Dr. Olson's limited license was not probationary in nature.
3. Dr. Olson successfully completed the CPEP training program. In December 2008, the Colorado Board restored his medical license to active status with no conditions or restrictions.

### CONCLUSIONS OF LAW

1. Section 4731.22(B) of the Revised Code sets forth grounds upon which the Board may discipline physicians, including the following:

The board \* \* \* shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

- (1) Permitting one's name or one's certificate to practice or certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;
- (2) Failure to maintain minimal standards applicable to the selection or administration of drugs \* \* \* ;
- (3) Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or \* \* \* violation of any federal or state law regulating the possession, distribution, or use of any drug;
- (4) Willfully betraying a professional confidence. \* \* \*
- (5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery \* \* \* .

- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;
- (7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;
- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

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- (14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

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- (18) \*\*\* [V]iolation of any provision of a code of ethics of the American medical association \*\*\*.

- (19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness \*\*\*.

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- (22) *Any of the following actions taken by the agency responsible for regulating the practice of medicine and surgery \*\*\* in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand* (Emphasis added);

\*\*\*

- (26) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.

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- 2. For the reasons stated below, the granting by the Colorado Board of a limited license to David P. Olson, M.D., does not constitute grounds for discipline under R.C. 4731.22(B)(22).

Order granting conditional approval of the license application. The conditional approval of Dr. Olson's application was simply the ordinary method by which the Colorado Board allows a physician who has been away from active practice to demonstrate his current competence to resume practice. In Ohio, when an applicant has been away from active practice during the two years preceding the application, the Board's procedure is similar, in that it typically approves the application on condition that the applicant pass the Special Purpose Examination or a specialty-board recertification examination pursuant to R.C. 4731.222. See, e.g., *Matter of Gause* (order dated 08/09/06); see also, *Matter of Avellanet*, Case No. 08-CRF-150; *Matter of Duran*, Case No. 08-CRF-152; *Matter of Kohrt*, Case No. 08-CRF-149, *Matter of Savearnu*,

Case No. 08-CRF-151. Thus, both the Ohio and Colorado Boards conditionally approve applications where the individual has not engaged in the active practice of medicine for two years preceding the application, although Ohio requires an examination rather than a training program as the licensure condition. In both states, these conditional approvals carry no hint of discipline or wrongdoing.

Grant of limited license. Dr. Olson acknowledged, through counsel, that the Board was justified in investigating and citing the granting of a “limited license” by the Colorado Board. However, during the hearing process, it became clear that the Colorado Board had granted a limited license to Dr. Olson so that he could participate in the clinical component of the CPEP program that was required for reactivation of his medical license. Accordingly, in these circumstances, Dr. Olson’s limited license was similar to a temporary training certificate in Ohio that permits an individual to practice medicine under supervision in a particular training program. Such training certificates are not grounds for discipline under R.C. 4731.22(B)(22).

Statutory construction. It is also important to consider the statutory context when construing the terms “action” and “limitation of \* \* \* license” in R.C. 4731.22(B)(22). When one considers the disciplinary context of the language, together with considerations of fundamental fairness, no violation of R.C. 4731.22(B)(22) can be found in this matter. Even if this Board were to order “no further action” on finding a violation of R.C. 4731.22(B)(22), Dr. Olson would still have on his professional record an apparent disciplinary violation in Ohio. Although he could explain the underlying non-disciplinary order in Colorado that prompted the Ohio action, he could well be obliged to provide explanations to licensing authorities, hospitals, insurance companies and others for years to come, which is unnecessary and unduly burdensome under the circumstances.

In summary, it would not be appropriate to find a violation of R.C. 4731.22(B)(22) in this matter, for reasons including the following:

- there is no evidence that Dr. Olson engaged in any misconduct; rather, he merely applied to reactivate his Colorado medical license and agreed to participate in a training program in order to demonstrate his current competence to resume practice, as routinely required of all such applicants;
- the Colorado agreed order, conditionally granting licensure, is the functional equivalent of this Board’s orders approving licensure applications on condition that the applicant pass the SPEX or a specialty-board recertification examination, when the applicant has not engaged in the active practice of medicine for more than two years;
- the limited license granted to Dr. Olson for training purposes is functionally similar to training certificates in Ohio that allow an individual to practice medicine under supervision within a specific training program;
- Dr. Olson cooperated fully with the Colorado Board in meeting the condition for licensure;
- the Colorado Board granted a full and unrestricted medical license to Dr. Olson upon his satisfying the condition; and
- the Colorado Board expressly stated that its agreed order did not constitute a disciplinary action and that the temporary, limited license was not probationary in nature.

Accordingly, the evidence in this matter is not sufficient to establish that the conditional grant of licensure to Dr. Olson and/or the limited license granted to him as set forth above in the Findings of Fact, constitute “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that language is used in R.C. 4731.22(B)(22).

**PROPOSED ORDER**

It is hereby ORDERED that the allegations set forth in *Matter of David P. Olson, M.D.*, Case No. 08-CRF-045, are hereby DISMISSED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



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Patricia A. Davidson  
Hearing Examiner

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director



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## EXCERPT FROM THE DRAFT MINUTES OF APRIL 8, 2009

### REPORTS AND RECOMMENDATIONS

Dr. Madia announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Dr. Madia asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of Mark Andrew Banks, M.D.; Scott Brian Lindsay, D.P.M.; Al Muzzammel, M.D.; David P. Olson, M.D.; Lisa A. Simpson, M.D.; Julie A. Taylor, M.D.; and David Antonio Velasquez, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

Dr. Madia asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye

Dr. Mahajan - aye  
Dr. Steinbergh - aye  
Dr. Madia - aye

Dr. Madia noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. He advised that they may participate in the case of Dr. Simpson, as that case is not disciplinary in nature and concerns only the doctor's qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

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Dr. Talmage left the meeting during the previous discussion.

.....

DAVID P. OLSON, M.D.

Dr. Madia directed the Board's attention to the matter of David P. Olson, M.D. He advised that objections were filed by the State to Hearing Examiner Davidson's Report and Recommendation, and a response to those objections was filed by Dr. Olson's attorney. Both documents were previously distributed to Board members.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF DAVID P. OLSON, M.D. DR. VARYANI SECONDED THE MOTION.**

Dr. Varyani commented that he seconded the motion for discussion purposes.

Dr. Steinbergh stated that she had some difficulty with this particular Report and Recommendation. She stated that she found the report itself to be appropriate, but she doesn't agree with the Findings of Fact and the Proposed Order. Dr. Steinbergh stated that Dr. Olson applied to reinstate his license in Colorado, in about the middle of 2007. He had not practiced for approximately five years. The Board there took a look at his application and decided that they would send him to CPEP for an assessment. If such assessments demonstrate that the applicants are competent, Colorado will reinstate the licenses. If an assessment indicates that further education is needed, an educational piece is developed by CPEP. If the applicant completes the recommended education and receives a positive report from CPEP, the Colorado Board reinstates the license. Dr. Olson did get his Colorado license after being assessed and completing training recommended by CPEP. Prior to his completing the educational piece, Colorado did issue Dr. Olson a

limited license that allowed him to practice under terms of CPEP. Dr. Steinbergh stated that this matter was reported to the National Practitioners Data Bank.

Dr. Steinbergh stated that the question in this case is whether Colorado's action was a disciplinary action or probation. She noted that the Colorado Board has indicated that this is not a disciplinary action or probation. The Hearing Examiner proposes that the Board dismiss this case. Dr. Steinbergh stated that the argument from the Attorney General's Office is that, in fact, the Board had a right to take a look at this case, it's a bootstrap action, Dr. Olson did, in fact, have a limited license. If the Board feels that nothing further needs to be done, it should say that, rather than dismiss the case.

**DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER BY SUBSTITUTING THE FOLLOWING:**

It is hereby ORDERED that no further action be taken in the matter of David P. Olson, M.D.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

**DR. EGNER SECONDED THE MOTION.**

Dr. Egner agreed with the proposed amendment, stating that this is not just a matter of semantics. She stated that Dr. Olson did have a limitation on his Colorado license, a basis for this Board to take action. The Board had a duty to look into this matter.

Mr. Jacobson left the meeting during the previous discussion.

A vote was taken on Dr. Steinbergh's motion to amend:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF**

**FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF DAVID P. OLSON, M.D. DR. EGNER SECONDED THE MOTION. A vote was taken:**

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov



April 9, 2008

Case number: 08-CRF-045

David P. Olson, M.D.  
5 Mineral Farms Lane  
P.O. Box 1269  
Ouray, CO 81427-1269

Dear Doctor Olson:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about November 21, 2007, you entered into a Licensing Agreement and Final Agency Order [Order] with the Colorado State Board of Medical Examiners [Colorado Board] which was approved by the Colorado Board on or about December 20, 2007. Pursuant to the Order you were granted a limited license for the sole purpose of completing the Education Reassessment Plan recommended by the Center for Personalized Education for Physicians. Further, you stipulated in the Order that you have not practiced medicine since May 2002. A copy of the Colorado Board Order is attached hereto and incorporated herein.

The Colorado Board Order as alleged in paragraph (1) above constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

*Mailed 4-10-08*

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", written in a cursive style.

Lance A. Talmage, M.D.  
Secretary

LAT/LLS/flb  
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3686 8126  
RETURN RECEIPT REQUESTED

FEB 19 2008

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS  
STATE OF COLORADO

**RECEIVED**

Case No. 2008-001107

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**LICENSING AGREEMENT AND FINAL AGENCY ORDER**

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IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE MEDICINE IN  
THE STATE OF COLORADO OF DAVID P. OLSON, M.D.,

Applicant.

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IT IS HEREBY STIPULATED and agreed by and between the Colorado State Board of Medical Examiners ("Board"), Panel B, acting as licensing subcommittee pursuant to C.R.S. § 12-36-104(3), ("Panel") and David P. Olson, M.D., ("Applicant"), as follows:

**JURISDICTION AND CASE HISTORY**

1. On May 11, 2006, Applicant filed a reactivation application with the Board for a license to practice medicine in the State of Colorado. The Panel considered Applicant's application and decided to grant Applicant a license to practice medicine in Colorado subject to the terms and conditions of this Licensing Agreement 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 grant Applicant a license to practice medicine subject to the restrictions described herein without the necessity of holding a formal hearing. This Order 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.

4. Applicant understands that:

a. Applicant has the right to be represented by an attorney of the Applicant's choice and Applicant has voluntarily chosen to proceed without representation;

b. Applicant has the right to a formal hearing pursuant to C.R.S. §§ 12-36-116 and 24-4-104(9);

c. By entering into this Order, Applicant 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;

d. Applicant 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; and

e. Applicant is knowingly and voluntarily waiving the right to seek judicial review of this Order.

5. Applicant specifically admits and agrees that:

a. Applicant has not actively practiced medicine since May of 2002.

6. Based upon the above, Applicant agrees that the Panel is authorized by C.R.S. § 12-36-116(1)(d) and Rule 120 of the Colorado Board of Medical Examiners Rules and Regulations to order such conditions upon Applicant's practice as it deems appropriate. Applicant acknowledges that by accepting this license in lieu of a hearing, Applicant waives all remedies outlined in C.R.S. § 24-4-104(9), as provided by C.R.S. § 12-36-116(3).

7. Both parties understand that this document is not a disciplinary action.

#### **LIMITED LICENSE TO COMPLETE CPEP PLAN**

8. Commencing on the effective date of this Order, Applicant is hereby granted a limited license to practice medicine in the state of Colorado. The limited license is limited for the sole purpose of allowing Applicant to complete the education and reassessment plans recommended by the Center for Personalized Education for Physicians ("CPEP").

9. Applicant agrees that while under this Order, he will not perform any act constituting the practice of medicine as defined by C.R.S. § 12-36-106, except as necessary to complete his CPEP education and reassessment plans.

10. Applicant shall sign and fully cooperate with CPEP in the completion of the written education and reassessment plans. Applicant shall cause CPEP to send a copy of the signed, written education and reassessment plans to the Panel. Applicant shall successfully complete the educational activities set out in the education and reassessment plans, including any final evaluation, within the time set out by CPEP, but in no event, more than two years from the effective date of this Order. All instructions made by CPEP shall constitute terms of this Order and shall be complied with within the time periods set out by CPEP.

11. All instructions given or made by CPEP shall constitute terms of this Order, and shall be complied with within the time periods set out by CPEP.

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12. Upon successful completion of the education and reassessment plans, including any final assessment, Applicant shall provide the Panel with written proof from CPEP of such successful completion.

13. Unless charges are made against Applicant pursuant to C.R.S. § 12-36-118, Applicant shall receive an unrestricted license upon submitting proof of compliance with all requirements for an unrestricted license and upon review by the Board of such proof as set forth in paragraph 12.

14. This Order and all its terms shall have the same force and effect as an Order entered after a hearing pursuant to C.R.S. §§ 12-36-116 and 24-4-104, except that Applicant may not appeal this Order.

### **OTHER TERMS**

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

16. 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.

17. 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.

18. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to C.R.S. §§ 12-36-116(3) and 24-4-104(9), except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the Panel as set forth in C.R.S. § 12-36-118(5)(g)(IV). This Order and all its terms also constitute a valid board order for purposes of C.R.S. § 12-36-117(1)(u).

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

20. During the pendency of any action arising out of this Order, the terms of this Order shall be deemed to be in full force and effect and shall not be tolled.

21. This Order shall be effective upon approval by the Panel and signature by a Panel member. 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, it is void.

22. 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 to the Federation of State Medical Boards, the National

Practitioner Data Bank/Healthcare Integrity and Protection Data Bank and as otherwise required by law.

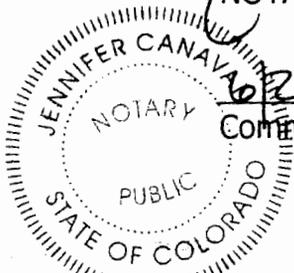
*David P. Olson*

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DAVID P. OLSON, M.D.

David P. Olson, M.D., acknowledged the foregoing before me this 21<sup>st</sup> day of November, 2007.

*Jennifer Canavan*

\_\_\_\_\_  
NOTARY PUBLIC



10/26/2010  
\_\_\_\_\_  
Commission expiration date

THE FOREGOING Licensing Agreement and Final Agency Order is approved and effective this 21<sup>st</sup> day of November, 2007.

FOR THE COLORADO STATE BOARD OF  
MEDICAL EXAMINERS, PANEL B,

ACTING AS LICENSING SUBCOMMITTEE

*[Signature]*