

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS
STATE OF COLORADO

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE
TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF DENISE E. CRUTE, M.D.,
LICENSE NUMBER 35721,
Respondent.

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

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the State of Colorado on November 14, 1996 and was issued license number 35721, which Respondent has held continuously since that date. Respondent is a board-certified neurosurgeon.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. Effective August 18, 2004, Respondent and the Panel entered a Stipulation for Interim Evaluation and Monitoring of Practice ("Interim Stipulation").
4. On January 12, 2005, the Panel referred several of Respondent's cases to the Attorney General pursuant to § 12-36-118(4)(c)(IV), C.R.S.
5. On March 21, 2005, the Panel filed a Formal Complaint ("Complaint") against Respondent with the Colorado Division of Administrative Hearings (n/k/a Colorado Office of Administrative Courts ("OAC")). The case was assigned case number ME 2005-02.
6. The Panel's Complaint is currently scheduled for a 17-day hearing commencing August 26, 2005. In order to avoid the expense and uncertainties of litigation the parties have agreed to the terms of this Stipulation and Final Agency Order ("Order"), and the parties shall file a joint motion informing the OAC of this action.
7. This Order constitutes the entire agreement between the parties. There are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.

8. 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 Order, 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.
9. Respondent specifically admits and agrees as follows:
 - a. Respondent's care of Patient C on March 26, 2004 constituted unprofessional conduct as defined by § 12-36-117(1)(p), C.R.S., any act or omission which fails to meet generally accepted standards of medical practice, in that Respondent performed a wrong site surgery performing bilateral burr hole surgery on Patient C when the intended site was for right-sided burr hole surgery to relieve a right-sided subdural hematoma. Respondent failed to perform a "time-out" prior to initiating the surgical procedure to verify she was operating on the correct side of Patient C's head.
 - b. Respondent's care of Patient N on April 19, 2000, constituted unprofessional conduct, as defined by § 12-36-117(1)(p), C.R.S., any act or omission which fails to meet generally accepted standards of medical practice. In the case of Patient N, Respondent instructed her physician assistant ("PA") to proceed with an opening surgical incision after she left Saint Mary Corwin Hospital to attend to an emergency in another hospital. She thus failed to provide adequate personal and responsible direction and supervision for her PA under the circumstances.
 - c. Respondent's care of Patient O on August 3, 1998 constituted unprofessional conduct, as defined by § 12-36-117(1)(p), C.R.S., any act or omission which fails to meet generally accepted standards of medical practice, in that Respondent performed a wrong level diskectomy surgery. Respondent performed an L3-4 microendoscopic diskectomy with L4 laminectomy, when the intended diskectomy level was L4-5.

d. In the case of Patient Q, Respondent personally read the October 21, 1997 CT scan performed at St. Thomas More Hospital, but failed to obtain and review the radiology report of that CT scan prior to discharging the patient from Saint Mary Corwin, and thus engaged in substandard practice as defined by § 12-36-117(1)(p), C.R.S.

10. Based upon the above, the Panel is authorized by § 12-36-118(5)(g)(III), C.R.S. to enter into this Order.

INACTIVE LICENSE STATUS

11. Commencing on September 1, 2005, Respondent's license shall go into inactive status as defined by § 12-36-137, C.R.S., and she shall thereafter not perform any act requiring a license issued by the Board.

12. Commencing on September 1, 2005, the terms of this Order shall supercede the terms of the Interim Stipulation.

13. The Panel retains all rights provided by §§ 12-36-137(5) and 12-36-116, C.R.S.

OTHER TERMS

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

15. 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.

16. So that the Board may notify hospitals of this agreement pursuant to § 12-36-118(13), C.R.S., Respondent presently holds privileges at the following hospitals:

Parkview Medical Center

17. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary 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.

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

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

20. 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.

21. 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.


Denise E. Crute, M.D.

The foregoing was acknowledged before me this 13 day of July, 2005 by
Denise E. Crute, M.D.

MACKENZIE L. CURTIN
Notary Public, State of New York
Qual. in Albany Co. No. 02GU6123611
Commission Expires 03/07/2009


NOTARY PUBLIC

My Commission expires: 2009

THE FOREGOING Stipulation and Final Agency Order is approved and effective this
____ day of _____, _____.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS
INQUIRY PANEL A

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FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS
INQUIRY PANEL A

APPROVED AS TO FORM:

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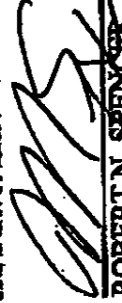
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