

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

STIPULATION AND FINAL AGENCY ORDER (LETTER OF ADMONITION)

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF
RONALD E. KUSESKI, M.D., LICENSE NO. 18602.

Respondent.

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

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on February 4, 1974, and was issued license no. 18602 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 or about September 16, 1994, the Panel reviewed a report of investigation in case no. MB0294044. The Panel found that the investigation disclosed facts which warranted proceeding by formal complaint, as provided in § 12-36-118(5), C.R.S. The Panel thereupon referred the complaint in case no. MB0294044 to the Attorney General.

4. Respondent understands that:

a. Respondent has the right to be represented by an attorney of the Respondent's choice;

b. Respondent has the right to a formal disciplinary hearing pursuant to § 12-36-118(5), C.R.S.

c. By entering into this Stipulation and Final Agency Order (hereinafter, the "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.

5. It is the intent of the parties and the purpose of this Order to provide for a settlement of all facts disclosed by the investigation in case no. MB0294044, without the necessity of holding a formal disciplinary hearing. 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.

6. Respondent admits and agrees as follows:

a. On July 1, 1993, Respondent performed a therapeutic abortion on C. S., an 18-year-old female patient at the Mayfair Women's Center.

b. For the procedure on July 1, 1993, C. S. received 1 cc of Inapsine intravenously at or about 9:13 a.m., followed by two administrations of 2.5 cc Sublimaze at or about 9:25 a.m. and 9:38 a.m. respectively. Respondent did not have in place or utilize pulse oximetry equipment during this procedure.

c. At the end of the procedure, C.S. went into respiratory arrest and ultimately is left with severe residual vegetative encephalopathy (brain damage).

7. Respondent admits that the Panel possesses prima facie evidence which, if believed and not rebutted by other evidence, would prove that Respondent has engaged in unprofessional conduct as defined in § 12-36-117(1)(p), C.R.S. Respondent however, specifically denies that his care and treatment of C.S. violated any generally accepted standard of medical practice.

8. The parties agree that this Order does not constitute and shall not be construed as an admission of or evidence of substandard medical practice by the Respondent in his care and treatment of C.S.

9. If unprofessional conduct were proven at hearing, the Board is authorized by § 12-36-118(5)(g)(III), C.R.S. to order probation and such conditions upon Respondent's practice which it deems appropriate.

LETTER OF ADMONITION

By this Order, the Panel imposes and the Respondent accepts a Letter of Admonition for the conduct described herein. Respondent is hereby admonished and instructed that, in the provision of services such as C.S. received, he is to adhere to the "Anesthesia Monitoring Guidelines, Table II" published in the January 1990

Copiscope as applicable to Respondent's setting. Respondent shall advise the Board in writing, within 10 days of the effective date of this Order, that such anesthesia monitoring measures are in place for all such procedures, and shall describe with particularity the anesthesia monitoring in place.

EDUCATIONAL REQUIREMENT

Respondent further agrees that he shall take and successfully complete a CPR/ACLS course within 90 days of the effective date of this order, at which time, he shall submit proof of successful completion of this course.

OTHER TERMS

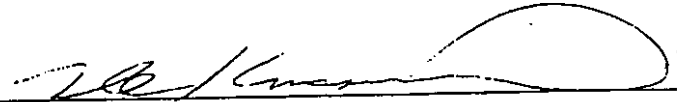
10. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

11. 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. 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.

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

13. 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.

14. Upon becoming effective, this Order shall be open to public inspection and shall be reported as required by law.

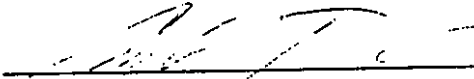

Respondent

14446 East Evans

Aurora, Colorado 80014

Address

SUBSCRIBED AND SWORN to before me in the County of
Arapahoe, State of Colorado, this 20th day of
December 1994.

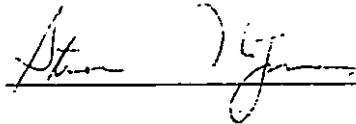

NOTARY PUBLIC

My Commission expires:

10-31-98

THE FOREGOING Stipulation and Final Agency Order is approved and effective this 20th day of January, 1995.

FOR THE COLORADO STATE BOARD
OF MEDICAL EXAMINERS
INQUIRY PANEL B



APPROVED AS TO FORM:

FOR THE RESPONDENT

FOR THE BOARD OF MEDICAL EXAMINERS

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