

BEFORE THE COLORADO MEDICAL BOARD

STATE OF COLORADO

CASE NOS. 2021-6516-B, 2021-7596-B, 2021-7684-B

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF SCOTT ERIC ROLLINS, M.D., LICENSE NUMBER DR.32966,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B (“Panel”) of the Colorado Medical Board (“Board”) and Scott Eric Rollins, M.D. (“Respondent”) (collectively, the “Parties”) as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on August 20, 1993 and was issued license number DR.32966, which Respondent has held continuously since that date (“License”).

2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.

3. On October 20, 2022, the Panel reviewed case numbers 2021-6516-B, 2021-7596-B, 2021-7684-B and determined that further proceedings by formal complaint were warranted pursuant to Section 12-240-125(4)(c)(V), C.R.S. The Parties have agreed to resolution of this matter prior to referral to the Attorney General.

4. It is the intent of the Parties and the purpose of this Stipulation and Final Agency Order (“Order”) to provide for a settlement of all matters set forth in case numbers 2021-6516-B, 2021-7596-B, 2021-7684-B, without the necessity of conducting a formal disciplinary 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.

5. Respondent understands that:

a. Respondent has the right to be represented by an attorney of the Respondent’s choice, and Respondent is represented by counsel in this matter;

b. Respondent has the right to a formal complaint and disciplinary hearing pursuant to Sections 12-240-125(4)(c)(V) and 12-240-125(5), C.R.S.;

c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a formal complaint and disciplinary hearing, admits the facts contained in this Order, and relieves the Panel of its burden of proving such facts;

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; and

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

FACTUAL BASIS

6. Respondent specifically admits and the Panel finds that:

a. Respondent practiced as a family practice physician in Colorado during the COVID-19 pandemic, and provided care to numerous patients, including Patients 1-3.

b. For each of Patients 1-3, Respondent prescribed ivermectin for the treatment or prevention of COVID-19.

c. For each of Patients 1-3, Respondent either (1) did not perform or did not document the performance of an adequate clinical assessment, (2) did not discuss or did not document the discussion of any risks of ivermectin or other drugs indicated, (3) did not discuss or did not document the discussion of any perceived benefits of prescribing ivermectin, (4) did not discuss or did not document the discussion of the patient's participation in clinical decision making or Respondent's application of clinical judgment and decision-making to the patient's specific presentation and needs, (5) did not discuss or did not document discussion of the availability, risks, and benefits of alternative, FDA-approved treatments for COVID-19, (6) did not document the discussion of availability, risks, and benefits of FDA-approved vaccines to prevent or mitigate the severity of COVID-19 infection, and (7) did not document the discussion of other non-pharmaceutical measures to reduce the likelihood of COVID-19 infection.

d. For each of Patients 1-3, Respondent failed to adequately document elements of medical decision-making, clinical assessments, risk/benefit analyses of important decisions, application of clinical judgment to situation, the plans for patient treatment, the purpose of those plans, and the patient's participation in medical decision making.

7. Respondent admits and the Panel finds that the acts and/or omissions described in the factual basis above constitutes unprofessional conduct pursuant to Section 12-240-121(1)(j) and (v) C.R.S., which states:

(1) "Unprofessional conduct" as used in this article 240 means:

(j) Any act or omission that fails to meet generally accepted standards of medical practice;

(v) Falsifying or repeatedly making incorrect essential entries or repeatedly failing to make essential entries on patient records;

8. Based upon the above, the parties stipulate that the terms of this Order are authorized by Section 12-240-125(5)(c)(III), C.R.S.

PROBATIONARY TERMS

9. Respondent's License is hereby placed on indefinite probation until the completion of the CPEP documentation seminar including pre-program and post-program terms beginning from the effective date of this Order. All terms of probation shall be effective throughout the probationary period and shall constitute terms of this Order.

10. During the probationary period, Respondent agrees to be bound by the terms and conditions set forth below.

CPEP MEDICAL RECORD KEEPING SEMINAR INCLUDING FOLLOW-UP PROGRAM

11. Within 30 days of the effective date of this Order, Respondent shall contact the Center for Personalized Education for Physicians ("CPEP") for the purposes of enrolling in the CPEP Medical Record Keeping Seminar and the six-month follow-up program, the CPEP Personalized Implementation Program.

12. Respondent shall successfully complete the CPEP Medical Record Keeping Seminar. Respondent successfully completed the CPEP Medical Record Keeping Seminar on September 9, 2022.

13. Respondent must successfully complete the CPEP Personalized Implementation Program within one year of the effective date of this Order.

14. Respondent shall request that CPEP provide the Panel with a final report following completion of the CPEP Personalized Implementation Program. Respondent shall assure that such a final report is received by the Panel within one year of the effective date of this Order.

TOLLING OF THE PROBATIONARY PERIOD

15. If at any time, Respondent ceases the active clinical practice of medicine, defined for the purposes of this Order as evaluating or treating a minimum of five patients per month, the probationary period shall be tolled for the time the Order is in effect and Respondent is not engaged in the active clinical practice of medicine.

16. Respondent must comply with all other terms of the Order and all other terms of probation. Unless otherwise specified, all terms of the Order and all terms of probation shall remain in effect, regardless of whether the probationary period has been tolled, from the effective date of this Order until probation is terminated. The probationary period shall be tolled for any time that Respondent is not in compliance with any term of this Order.

OUT OF STATE PRACTICE

17. Respondent may wish to leave Colorado and practice in another state. At any time other than during a period of suspension imposed by this Order, and whether to practice out of state or for any other reason, Respondent may request, in writing, that the Board place Respondent's License on inactive status as set forth in Section 12-240-141, C.R.S. Respondent's request to place his License on inactive status must include written evidence that Respondent has reported this Order to all other jurisdictions in which Respondent is licensed, as required by the "Other Terms" section of this Order. Upon the approval of such request, Respondent may cease to comply with the terms of this Order. Failure to comply with the terms of this Order while inactive shall not constitute a violation of this Order. While inactive, Respondent shall not perform any act in the state of Colorado that constitutes the practice of medicine, nor shall Respondent perform any act in any other jurisdiction pursuant to the authority of a license to practice medicine granted by the state of Colorado. Unless Respondent's License is inactive, Respondent must comply with all terms of this Order, irrespective of Respondent's location. The probationary period will be tolled for any period of time Respondent's License is inactive.

18. Respondent may resume the active practice of medicine at any time pursuant to written request and as set forth in Section 12-240-141(5), C.R.S. With such written request, Respondent shall demonstrate engagement in CPEP activities as required by CPEP and shall nominate any necessary monitor required by CPEP as provided above.

TERMINATION OF PROBATION

19. Upon the expiration of the probationary period, Respondent may submit a written request for restoration of Respondent's License to unrestricted status. If Respondent has complied with the terms of probation, and if Respondent's probationary period has not been tolled, such release shall be granted by the Panel in the form of written notice.

OTHER TERMS

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

21. 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.

22. 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.

23. If Respondent is licensed by any other jurisdiction, Respondent shall report this Order to all other jurisdictions in which Respondent is licensed.

24. During the probationary period or any period in which a physician is subject to prescribing restrictions, no physician shall perform an assessment of a patient's medical history and current medical condition, including a personal physical examination, for the purpose of concluding that a patient may benefit from the use of medical marijuana, recommending the use of medical marijuana or certifying a debilitating medical condition for an applicant to the Colorado Medical Marijuana Program. Respondent hereby understands and agrees that he/she shall not certify to the state health agency that a patient has a debilitating medical condition or that the patient may benefit from the use of medical marijuana.

25. Respondent shall obey all state and federal laws while the terms of this Order are in effect.

26. So that the Board may notify hospitals of this agreement pursuant to section 12-240-125(11), C.R.S., Respondent presently holds privileges at or is employed by the following hospitals and facilities:

58128 Hwy 330
Plateau Valley Medical Clinic, Collbran, CO, 81624

No further

27. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to section 12-240-125(5)(c)(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 section 12-240-125(5)(c)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of section 12-240-121(1)(n), C.R.S.

28. This Order shall be admissible as evidence at any proceeding or future hearing before the Board.

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

30. 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.

31. Respondent acknowledges that the Panel may choose not to accept the terms of this Agreement and that if the Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

32. This Order shall be effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

33. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. This Order constitutes discipline against Respondent's license. Additionally, this Order shall be reported the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.

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Scott Eric Rollins, M.D.

THE FOREGOING Stipulation and Final Agency Order is approved this 21st day
of December, 2022.

FOR THE COLORADO MEDICAL BOARD INQUIRY
PANEL B

Paula E. Martinez

Paula E. Martinez
Program Director
Delegated Authority to Sign by Inquiry Panel

THE FOREGOING Stipulation and Final Agency Order is effective upon service to
Respondent, on December 21, 2022.

J. Beannon

APPROVED AS TO FORM

FOR RESPONDENT



Sheryl K. Bridges, Esq
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