

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS  
STATE OF COLORADO

CASE NO. 2009-002275-B

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**STIPULATION AND FINAL AGENCY ORDER**

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IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF **PETER W.S. GRIGG, M.D.**, LICENSE NUMBER **38817**.

Respondent.

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

**JURISDICTION AND CASE HISTORY**

1. Respondent was licensed to practice medicine in the state of Colorado on July 13, 2000, and was issued license number 38817, which Respondent has held continuously since that date.

2. The Panel and the Board have jurisdiction over Respondent and the subject matter of these proceedings.

3. On January 20, 2009, Respondent entered into an Interim Cessation of Practice Agreement ("Interim Agreement") in lieu of summary. This Stipulation and Final Agency Order, upon becoming effective, shall supersede the Interim Agreement

4. On or about July 17, 2009, the Panel reviewed case number 2009-002275-B and thereupon referred the matter to the Attorney General pursuant to Section 12-36-118(4)(c)(IV), C.R.S., for disciplinary proceedings.

5. 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 number 2009-002275-B, without the necessity of holding 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.

6. 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;

b. Respondent has the right to a formal disciplinary hearing pursuant to section 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;

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;

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

7. Respondent specifically admits and the Panel finds that:

a. Respondent is an anesthesiologist.

b. Respondent has a mental or physical disability which render him unsafe to practice medicine with reasonable skill and safety to patients;

c. Respondent used Vicodin and OxyContin regularly, without medical justification;

d. Respondent used opioids during working hours;

e. Respondent possessed, dispensed, and/or prescribed habit-forming drugs and controlled substances other than in the course of legitimate professional practice;

f. Respondent dispensed Oxycodone, a schedule II controlled substance other than in the course of legitimate professional practice;

g. Respondent dispensed 3,4-methylenedioxymethamphetamine (commonly known as Ecstasy or MDMA), a schedule I controlled substance; and

h. Respondent pled guilty to and was convicted of two counts of felony relating to the possession and distribution of controlled substances within the State and District of Colorado.

8. Respondent admits and the Panel finds that the conduct set forth above constitutes unprofessional conduct pursuant to Sections 12-36-117(1)(f), (g), (h), (i), (o), and (x) C.R.S., which states:

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

(f) Any conviction of an offense of moral turpitude, a felony, or a crime that would constitute a violation of this article. For purposes of this paragraph (f), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.

(g) Administering, dispensing, or prescribing any habit-forming drug or any controlled substance as defined in section 12-22-303(7), other than in the course of legitimate professional practice;

(h) Any conviction of violation of any federal or state law regulating the possession, distribution, or use of any controlled substance, as defined in section 12-22-303(7), and, in determining if a license should be denied, revoked, or suspended, or if the licensee should be placed on probation, the board shall be governed by section 24-5-101, C.R.S. For purposes of this paragraph (h), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.

(i) Habitual intemperance or excessive use of any habit-forming drug or any controlled substance as defined in section 12-22-303(7);

(o) Such physical or mental disability as to render the licensee unable to perform medical services with reasonable skill and with safety to the patient; and

(x) Prescribing, distributing, or giving to a family member or to oneself except on an emergency basis any controlled substance as defined in section 18-18-204, C.R.S., or as contained in schedule II of 21 U.S.C. sec. 812, as amended.

9. Based upon the above paragraphs 7 and 8, the Panel is authorized by Section 12-36-118(5)(g)(III), C.R.S. to order conditions upon Respondent's practice that it deems appropriate.

### **RELINQUISHMENT OF LICENSE**

10. Commencing on the effective date of this Order, Respondent's license to practice medicine in the State of Colorado issued by the Board is deemed relinquished. Following relinquishment of Respondent's license, Respondent shall perform no act requiring a license issued by the Board, nor shall Respondent perform any act in any other location pursuant to the authority of a license to practice medicine granted by the state of Colorado.

11. Respondent agrees not to apply for renewal, reinstatement or reactivation of his license, or to apply for a new license issued by the Board within two years of the effective date of this Order.

12. After two years from the effective date of this Order, Respondent may apply to reinstate his license and resume the active practice of medicine, as set forth in sections 12-36-123

and 24-34-102(8)(d), C.R.S. Such request shall be accompanied by a report from the Colorado Physician's Health Program ("CPHP") indicating that Respondent is safe to practice medicine.

13. If the Panel grants Respondent's request to reinstate his license, the Panel may, at its discretion, require Respondent to fulfill additional requirements that the Panel deems necessary to protect the public health, safety, and welfare. These requirements may include, but are not limited to, submitting to a mental and/or physical examination and/or evaluation by physicians designated by the Board, a probationary period, treatment monitoring, an educational assessment, and practice monitoring. Additionally, Respondent shall be required to complete an educational assessment by the Center for Personalized Education for Physicians ("CPEP") prior to resuming to the active practice of medicine. Respondent understands that the Panel will consider this CPEP assessment in determining Respondent's eligibility for licensure. Respondent shall also be required to demonstrate continued competency pursuant to section 24-34-102(8)(d)(II), C.R.S., and any related Board rules and/or policies, and shall also be required to comply with any other statutory or regulatory requirement related to reinstatement. The parties agree that the Panel's decision regarding such application and requirements shall be made at the sole discretion of the Panel. Respondent waives the right to appeal the Panel decision on additional requirements.

14. Respondent understands and agrees that if he applies to reinstate his license, the Panel may, at its discretion, deny such application.

#### 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 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.

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

Memorial Hospital, Prunella Park, Brizgalk Surgery Center, Colorado Springs Surgery Center, Digestive Disease Endoscopy Center, Colorado Springs Health Partners, Premier Surgery Center

19. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to section 12-36-118(5)(g)(III), C.R.S., except that it may not be appealed. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

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

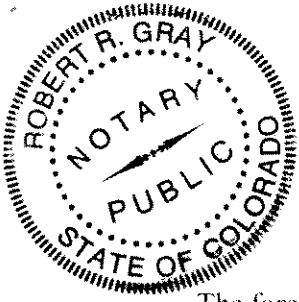
21. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

22. 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.

23. This Order shall be effective upon approval by the Panel and signature by a Panel member or other authorized person. 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 or other authorized person, it is void.

24. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's 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.

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Peter W Grigg  
PETER W.S. GRIGG, M.D.

The foregoing was acknowledged before me this 29<sup>th</sup> day of October, 2009 by Peter W.S. Grigg, M.D., in the County of EL PASO, State of Colorado.

[Signature]  
NOTARY PUBLIC  
June 5, 2012  
Commission expiration date

THE FOREGOING Interim Cessation of Practice Agreement is approved and effective this 20<sup>th</sup> day of November, 2009.

FOR THE COLORADO STATE BOARD OF  
MEDICAL EXAMINERS  
INQUIRY PANEL B

[Signature]

APPROVED AS TO FORM:

FOR THE RESPONDENT:

FOR THE BOARD OF MEDICAL  
EXAMINERS:

[Signature]

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Colorado Springs, CO 80903  
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\*Counsel for Respondent

JOHN W. SUTHERS  
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\*Counsel of Record

**CERTIFICATE OF SERVICE**

This is to certify that I have duly served the **Stipulation and Final Agency Order** upon all parties herein by depositing copies of same in the United States mail, first class, postage prepaid at Denver, Colorado, this 25<sup>th</sup> day of October, 2009, addressed as follows:

Peter W.S. Grigg, M.D.  
12644 Highland Oaks Place  
Colorado Springs, CO 80921

Copy sent via US MAIL and/or facsimile to:

Allen C. Gasper, Esq.  
128 South Tejon , Suite 100  
Colorado Springs, CO 80903  
FAX: (719) 328-0329

Copy sent via interagency mail and/or facsimile to:

Charmaine C. Rose  
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