

BEFORE THE COLORADO MEDICAL BOARD

STATE OF COLORADO

Case Nos. 2017-4344-B, 2018-806-B and 2018-807-B

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**FINAL BOARD ORDER**

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IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS REGARDING LORAN D. SHERWOOD, JR., LICENSE #DR 35376

Respondent.

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The Colorado Medical Board, pursuant to and after formal proceedings before a duly qualified Administrative Law Judge (“ALJ”) in accordance with the provisions of 12-36-101, et al., of the Colorado Revised Statutes (“Act”) and the Administrative Procedures Act (“APA”), and having reviewed the ALJ’s Initial Decision, hereby enters the following findings and order:

1. Respondent Loran D. Sherwood, Jr. (“Respondent”) was served with a Notice of Charges on March 19, 2018.
2. A Motion for Entry of Default was filed on May 7, 2018; the ALJ’s Entry of Default was mailed on May 24, 2018.
3. The Initial Decision of the ALJ was rendered on August 1, 2018, and received by the Board on August 13, 2018. A copy of the Initial Decision is attached to this Order. The Initial Decision, as modified by this Order, is incorporated herein by reference.
4. The Initial Decision was served on Respondent and the Board’s prosecuting attorney on August 15, 2018, via first-class mail and electronic mail.
5. Neither the Board’s prosecuting attorney nor Respondent filed exceptions.
6. Upon review of the Initial Decision and Record, the Board hereby:
  - a. Accepts Findings of Fact as set forth in their entirety.
  - b. Adopts Conclusions of Law as set forth in their entirety.

c. Adopts the ALJ's recommended sanction of Revocation.

IT IS THEREFORE ORDERED by the Board that Respondent's license to practice medicine in the state of Colorado is hereby REVOKED from the effective date of this Final Board Order. The Final Board Order is hereby effective upon service to Respondent. Any party adversely affected or aggrieved by any agency action may commence an action for judicial review before the Court of Appeals within forty-nine (49) days after such action becomes effective. Reference sections 24-4-106(11) and 12-36-119, C.R.S.

SO ORDERED this 11<sup>th</sup> day of October, 2018.

FOR THE COLORADO MEDICAL BOARD  
HEARINGS PANEL A



MEMBER



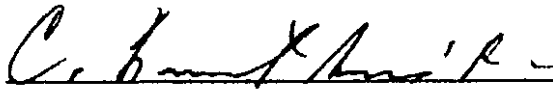
MEMBER



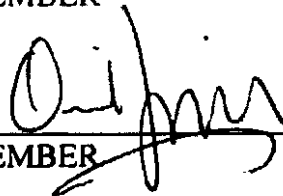
MEMBER



MEMBER



MEMBER



MEMBER

<b>STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 1525 Sherman St., 4<sup>th</sup> Floor, Denver, Colorado 80203</b>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Colorado Medical Board, Petitioner , v. LORAN D. SHERWOOD, M.D., License No. DR-35376, Respondent.</p>	
<b>INITIAL DECISION UPON DEFAULT</b>	

This case is a proceeding before the Colorado Medical Board ("Board"), Inquiry Panel B ("Panel"), involving discipline against the license to practice medicine of Loran D. Sherwood, M.D. ("Respondent"), pursuant to Section 12-36-118 & Section 24-4-104, C.R.S. The Panel is represented by Amy R. Lopez, Assistant Attorney General and Eric Maxfield, First Assistant Attorney General. Respondent did not appear in this proceeding. Based upon Respondent's failure to file an answer to the Board's Formal Complaint, an Entry of Default was issued on May 24, 2018. Pursuant to Section 24-4-105(2)(b), C.R.S., Respondent then had ten days to show cause for why the default should be set aside. No motion to set aside the default was filed, and this matter became ripe for issuance of an initial decision upon default.

**FINDINGS OF FACT**

1. On March 19, 2018, the Panel filed and served its Formal Complaint, Notice of Duty to Answer, Notice to Set, and Notice of Hearing ("Formal Complaint") to initiate disciplinary action against Respondent's license. That same day, the Panel filed and served a Notice of Setting Conference informing Respondent of the date on which the Setting Conference was scheduled to occur which was March 29, 2018.

2. The Formal Complaint sets forth notice of the nature of this proceeding, the legal authority and jurisdiction under which it is to be held, and the matters of fact and law asserted.

3. The Formal Complaint was served on Respondent by first-class mail to Respondent's last address furnished to the Board ("address of record") on March 19, 2018, as required by Section 24-4-101(2)(a), C.R.S. The Notice of Setting Conference was served on Respondent by first-class mail to Respondent's address of record that same day

4. Pursuant to Section 24-4-105(2)(b), C.R.S., Respondent was required to file a written answer on or before April 18, 2018. The Notice of Duty to Answer in the Formal Complaint alerted Respondent that failure to respond within thirty days could result in a default decision being issued against Respondent's Colorado licensure.

5. To date, Respondent has not filed a written answer to the Formal Complaint.

6. The Panel's Motion for Entry of Default was mailed to Respondent by first-class mail to the Respondent's address of record on May 7, 2018. Respondent did not file a response to the motion.

7. The Administrative Law Judge's Entry of Default was mailed to Respondent by first-class mail to the Respondent's address of record on May 24, 2018. Respondent did not respond or otherwise attempt to show good cause to set aside the Entry of Default.

8. Consequently, the Administrative Law Judge deems the facts alleged in the Formal Complaint, which follow herein, to have been admitted by Respondent and thereby established by the Panel.

9. Respondent was licensed to practice medicine in the state of Colorado on June 13, 1996, and was issued license number DR-35376.

10. Respondent's license to practice medicine expired on April 30, 2017.

11. Respondent has not renewed his license since expiration.

12. The Board and Panel have jurisdiction over Respondent and the subject matter of these proceedings, as set forth in the Colorado Medical Practice Act, Sections 12-36-101 *et seq.*, C.R.S., and the State Administrative Procedure Act, Sections 24-4-101 to 108, C.R.S.

13. On February 16, 2018, the Board found that the public health, safety or welfare imperatively required emergency action and/or Respondent deliberately and willfully violated the Colorado Medical Practice Act pursuant to Section 24-4-104(4), C.R.S.. ("Order of Suspension"). The suspension became effective on February 22, 2018 at 4pm.

14. Respondent is a physician who practiced family medicine.

15. Despite having an expired license, Respondent continued to write prescriptions for patients. Writing prescriptions is the practice of medicine.

16. Between July 10, 2017 and November 16, 2017, pharmacies filled more than 900 prescriptions, written by Respondent while his license was expired.

17. Respondent continued to see patients and schedule appointments.

18. Respondent continued to operate his practice on a cash only basis.

19. The Board sent Respondent a letter (a "30-day letter") referencing to the fact that his license to practice medicine had expired and requested an explanation for his conduct.

20. Respondent failed to respond to the 30-day letter.

21. Respondent failed to answer the Formal Complaint.

22. Respondent failed to answer the Motion for Entry of Default.

### **CONCLUSIONS OF LAW**

1. The Board and Panel possess jurisdiction over Respondent and the subject matter of these proceedings, as set forth in the Colorado Medical Practice Act, Sections 12-36-101 to 12-36-202, C.R.S., and the State Administrative Procedure Act, Sections 24-4-101 to 108, C.R.S.

2. Respondent has received timely notice of the time, place, and nature of this hearing; of all matters of fact and law asserted; and of all matters required by Section 24-4-105(2)(a), C.R.S. in the manner required by that section.

3. Respondent engaged in unprofessional conduct in violation of Section 12-36-117(1)(n), C.R.S., by practicing with an expired license. Respondent's violation of Section 12-36-117(1)(n), C.R.S., is subject to discipline pursuant to Section 12-36-118(5), C.R.S.

4. Respondent engaged in unprofessional conduct in violation of Section 12-36-117(1)(gg), C.R.S., by failing to respond to in an honest, materially responsive and timely manner to a complaint issued pursuant to Section 12-36-118(4), C.R.S. Respondent's violation of Section 12-36-117(1)(gg), C.R.S., is subject to discipline pursuant to Section 12-36-118(5), C.R.S.

## **INITIAL DECISION**

Respondent violated Sections 12-36-117(1)(n) and (gg) C.R.S. Pursuant to Sections 24-4-104, C.R.S. and 12-36-118, C.R.S., when the Panel has proved that a licensee has engaged in unprofessional conduct, the Board may impose discipline in the form of a suspension or revocation of the license, or it may issue a letter of admonition with or without probation.

The Panel seeks revocation of Respondent's medical license because Respondent practiced medicine on an expired license for over 6 months. Respondent wrote more than 900 prescriptions for patients while his license was expired. Respondent did not respond to the Board's inquiry in November, 2017 regarding his practice of medicine on an expired license. Respondent's failure to renew his license, failure to respond to the Board's inquiry and failure to respond this action demonstrate a lack of interest in maintaining his license to practice medicine.

Therefore, the Administrative Law Judge recommends revocation of Respondent's Colorado medical license.

The hearing currently scheduled in this matter for September 24, 2018 is vacated.

**DONE AND SIGNED:** August 1, 2018



Alice Q. Hosley  
Administrative Law Judge