

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NO. 2020-6431-B

NON-DISCIPLINARY INTERIM CESSATION OF PRACTICE AGREEMENT

IN THE MATTER OF THE LICENSE TO PRACTICE MEDICINE AS A PHYSICIAN IN
THE STATE OF COLORADO OF JEFFREY KESTEN, M.D., LICENSE NO. DR-31919,

Respondent.

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

1. Respondent was licensed to practice medicine as a physician in the state of Colorado on July 16, 1992, and was issued license number DR-31919, 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 October 8, 2020, the Panel reviewed materials relating to case number 2020-6431-B, and found that based upon the information reviewed, the Panel had reasonable grounds to believe that Respondent violated the Medical Practice Act and/or that the public health, safety or welfare imperatively required emergency action.

4. Respondent denies any and all allegations of a violation of the Medical Practice Act. Respondent voluntarily enters into this agreement to facilitate further evaluation of the issues related to Board case number 2020-6431-B.

5. Based upon the information and the totality of the circumstances, Respondent has offered to enter into an agreement for Respondent not to practice medicine as a physician in the interim as set forth in more detail below, and the Panel has authorized the parties to enter into an agreement for Respondent to limit his practice as a physician.

6. The parties have agreed to enter into this Non-Disciplinary Interim Cessation of Practice Agreement (“Interim Agreement”) pending further evaluation and investigation of Respondent to determine what further actions, if any, are warranted. Any summary suspension that could be imposed by the Panel is hereby stayed pursuant to the terms of this Interim Agreement.

7. Respondent agrees that he will not perform any act requiring a license issued by the Board while this Interim Agreement is in effect.

8. This Interim Agreement shall remain in effect until such time as the parties reach a final disposition of this case or, in the event summary suspension proceedings are initiated, an order for summary suspension enters.

9. The Panel agrees that it will not institute summary suspension proceedings while this Interim Agreement is in effect so long as the Respondent remains in compliance with this Interim Agreement and so long as the Panel does not learn of new information that would indicate that summary suspension is warranted.

10. Nothing in this Interim Agreement shall constitute disciplinary action, a finding that Respondent has engaged in unprofessional conduct, or any admission by Respondent of unprofessional conduct. There have been no final determinations regarding Respondent's professional competence or professional conduct. Nothing in this Interim Agreement shall constitute final actions as defined in section 24-4-102(1), C.R.S.

11. Nothing in this Interim Agreement shall preclude the Panel from initiating disciplinary action pursuant to section 12-240-125, C.R.S., or issuing a Final Agency Order while this Interim Agreement is in effect.

12. Respondent understands that Respondent has the right to be represented by counsel of Respondent's choice in this matter, and Respondent is represented by counsel.

13. The terms of this Interim Agreement were mutually negotiated and determined.

14. Both parties acknowledge that they understand the legal consequences of this Interim Agreement, both parties enter into this Interim Agreement voluntarily, and both parties agree that no term or condition of this Interim Agreement is unconscionable.

15. This Interim Agreement and all its terms constitute a valid board order for purposes of section 12-240-121(1)(n), C.R.S.

16. So that the Board may notify hospitals of this Interim Agreement, Respondent presently holds privileges at the following hospitals:

Heart of the Rockies Regional Medical Center, Salida, CO

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

18. This Interim Agreement shall be effective upon signature by Respondent. Respondent acknowledges that the Panel may choose not to accept the terms of this Interim Agreement and that if the Interim Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

19. This Interim Agreement 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 Interim Agreement.

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

21. Upon becoming effective, this Interim Agreement shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. While this Interim Agreement does not constitute discipline against Respondent's license, it may be reported

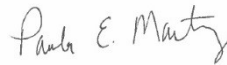
to the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.

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JEFFREY KESTEN, M.D.

THE FOREGOING Non-Disciplinary Interim Cessation of Practice Agreement is effective upon signature by Respondent, above, and is approved this 13th day of October, 2020.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL B



Paula E. Martinez, Program Director
By delegated authority of Inquiry Panel B

APPROVED AS TO FORM:

FOR RESPONDENT
JEFFREY KESTEN, M.D.

FOR THE COLORADO MEDICAL BOARD

SHERYL K. BRIDGES

PHILIP J. WEISER
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