ALEXANDER R. TOBIN, General Counsel  
BOARD OF OSTEOPATHIC EXAMINERS  
FOR THE STATE OF CALIFORNIA  
846 West Foothill Boulevard, Suite "N"  
Post Office Box 187  
Upland, California 91785

(714) 985-2795

BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS  
FOR THE STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:  
DONALD A. UNDERWOOD, D.O., Certificate No. 20A-4681,  
Respondent.  

CASE NO. 5A - 84  
STATEMENT OF ISSUES

GARETH J. WILLIAMS, hereinafter referred to as  
"Complainant," for causes of discipline against DONALD A.  
UNDERWOOD, D.O., hereinafter referred to as "Respondent," alleges:

I.  
Complainant is the Executive Director of the BOARD OF  
OSTEOPATHIC EXAMINERS for the State of California, hereinafter  
referred to as the "Board," and makes and files this Statement of  
Issues in his official capacity as such and not otherwise.

II.  
On or about June, 1984, Respondent was issued  
Physician's and Surgeon's Certificate No. 20A-4681 by the Board.

EXHIBIT "A"
Said Certificate is currently in full force and effect.

III.

Section 101.6 of the Business and Professions Code provides, in pertinent part:

That the Board was "established for the purpose of insuring that those private businesses and professions deemed to engage in activity which have potential impact upon the public health, safety and welfare be adequately regulated in order to protect the people of California." (All further Code references, unless otherwise designated, refer to the Business and Professions Code).

IV.

The Osteopathic Act (Section 2) provides, in pertinent part:

That the Board shall, with respect to Osteopathic physicians and surgeons, enforce those provisions of the State Medical Practice Act "...prescribing and regulating the qualifications of applicants...(and)...the revocation of any form of license or certificate...", to wit, Divisions 1, 1.5, and 2 of the Business and Professions Code, and specifically Section 2234 of that Code, as to persons holding certificates subject to the jurisdiction of the Board.

V.

Business and Professions Codes Section 2242(a) provides in pertinent part:
"Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4211 without a good faith prior examination and medical indication therefor, constitutes unprofessional conduct...."

VI.

Business and Professions Code Section 2274 provides in pertinent part:

"The use of any licensee of any certificate, of any letter, letters, word, words, term, or terms either as a prefix, affix, or suffix indicating that he or she is entitled to engage in a medical practice for which he or she is not licensed constitutes unprofessional conduct.

VII.

Business and Professions Code Section 2278 provides, in pertinent part:

"Unless a person authorized under this chapter to use the title "doctor" or the letters or prefix "Dr." holds a Physician's and Surgeon's Certificate, the use of such title, letters, or prefix without further indicating the type of certificate held, constitutes unprofessional conduct.

Business and Professions Codes Section 2234 provides, in pertinent part:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct which would have warranted the denial of a certificate."

VIII.

Business and Professions Code Section 2227 provides, in pertinent part:

"A licensee whose matter has been heard by the Division of Medical Quality, by a medical quality review committee or a panel of such committee, or by an administrative law judge, or whose default has been entered, and who is found guilty may, in accordance with the provisions of this chapter:

(a) Have his or her certificate revoked upon order of the division.

(b) Have his or her right to practice suspended for a period not to exceed one year upon order of the division or a committee or panel thereof.

(c) Be placed on probation upon order of the division or a committee or panel thereof.

(d) Publicly reprimanded by the division or a committee
or panel thereof.

(e) Have such other action taken in relation to discipline as the division, a committee or panel thereof, or an administrative law judge may deem proper.

IX.

Business and Professions Code Section 2004 provides that every certificate issued may be suspended or revoked.

X.

Respondent is subject to disciplinary action pursuant to Business and Professions Code Sections 2234, 2242, 2274 and 2278. The circumstances are as follows:

During the course of practice and beginning November 1, 1982, Respondent has committed the following repeated acts of negligence:

A. He has failed to make adequate diagnosis of patients.

B. He has failed to conduct an adequate examination before choosing a course of therapy.

C. He has failed to inform patients of the possible side effects and contra indication to therapy.

D. He has failed to keep adequate medical records,

E. He has failed to notify patients of their own financial responsibility for treatment if the course of therapy selected is refused a a basis for payment by an insurance carrier.

WHEREFORE, Complainant, GARETH J. WILLIAMS, prays that the BOARD OF OSTEOPATHIC EXAMINERS accept the Voluntary
Relinquishment of Certificate of Licensure, Certificate No. 20A-4681, issued to Donald A. Underwood, D.O.

DATE: Jan 25 1985

GARETH J. WILLIAMS, Executive Director
BOARD OF OSTEOPATHIC EXAMINERS
BOARD OF OSTEOPATHIC EXAMINERS
FOR THE STATE OF CALIFORNIA
John T. Borje, Board Counsel
250 West First Street, Suite 314
Post Office Box 545
Claremont, California 91711

(714) 626-8505

BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS
FOR THE STATE OF CALIFORNIA

In the Matter Against: DONALD A. UNDERWOOD, D.O., Certificate No. 20A-4681,
Respondent. CASE NO. 5A - 84

VOLUNTARY RELINQUISHMENT AND SURRENDER OF
CERTIFICATE OF LICENSURE

I, DONALD A. UNDERWOOD, D.O., Respondent herein, do
freely execute this VOLUNTARY RELINQUISHMENT AND SURRENDER OF
CERTIFICATE OF LICENSURE as a term of probation, and as a means of
avoiding immediate revocation of my Physician's and Surgeon's
Certificate No. 20A-4681. I waive my rights to hearing, to
reconsideration, to appeal and to any and all other rights which
may be accorded me by the California Administrative Procedure Act
with regard to said charges as set forth in the STATEMENT OF
ISSUES, EXHIBIT "A" to the Stipulation, Decision and Order, Case
No. 5A-84.

By signing this Voluntary Relinquishment and Surrender
of Certificate of License (hereinafter referred to as
Relinquishment), I voluntarily agree, upon demand by the Board, to

"EXHIBIT B"
forthwith surrender and relinquish my Physician's and Surgeon's Certificate No. 20A-4681, and do contemporaneously by this signing, accept the terms of probation set forth in the Stipulation, Decision and Order (hereinafter referred to as "Order") to which this Relinquishment (identified as EXHIBIT "B") is attached, which Relinquishment shall only become effective upon determination by the Board that any term or terms of probation contained in said Order have been violated. I acknowledge and voluntarily and freely agree that said Relinquishment, upon determination by the Board that probation has been violated, shall become effective without hearing. By so formally voluntarily relinquishing and surrendering my Certificate of Licensure, I recognize that upon its formal acceptance by the BOARD OF OSTEOPATHIC EXAMINERS, I will forthwith lose all rights and privileges accorded me by my Certificate of Licensure and all rights and privileges appurtenant thereto, without prejudice however, to my petitioning the Board for reinstatement as provided by the law of the State of California and the Rules and Regulations of the BOARD.

DATE: 9/8/85

DONALD A. UNDERWOOD, D.O.
Respondent
ACCEPTANCE

This within formal VOLUNTARY RELINQUISHMENT AND
SURRENDER OF CERTIFICATE OF LICENSURE is accepted by the BOARD OF
OSTEOPATHIC EXAMINERS FOR THE STATE OF CALIFORNIA on the 31 day
of March 1986, and shall become effective upon execution by the
President of said Board.

S / [Signature]
ROBERT M. ACOSTA, D.C., President
BOARD OF OSTEOPATHIC EXAMINERS

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BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS
FOR THE STATE OF CALIFORNIA


CASE NO. 5A - 84
STIPULATION, DECISION AND ORDER

IT IS HEREBY STIPULATED BY and between the BOARD OF OSTEOPATHIC EXAMINERS FOR THE STATE OF CALIFORNIA (hereinafter referred to as "Board"), by and through said Board's General Counsel, JOHN T. BORJE, and DONALD A. UNDERWOOD, D.O. (hereinafter referred to as "Respondent"), by and through Respondent's attorney, as follows:

1. Respondent has received and read the "STATEMENT OF ISSUES" (attached hereto as EXHIBIT "A", and incorporated herein, by this reference, as if fully set forth at length).

2. Respondent has retained William a. Hinz as his attorney in this matter and has counseled with his attorney concerning the effect of this Stipulation.

3. Respondent understands the nature of the charges
alleged in the STATEMENT OF ISSUES, as constituting cause for
revocation of his Physician's and Surgeon's Certificate No.
20A-4681 (hereinafter "Certificate").

4. That GARETH J. WILLIAMS, as the Executive Director
for the Board, has filed the STATEMENT OF ISSUES, in his official
capacity as such and not otherwise.

5. Respondent is fully aware of his right to a hearing
on the charges and allegations contained in said STATEMENT OF
ISSUES, and is further aware of his right to reconsideration, to
appeal and to all rights which may be accorded him pursuant to the
California Administrative Procedure Act, and Respondent hereby
freely and voluntarily waives his said rights.

6. Respondent admits that all the allegations contained
in the STATEMENT OF ISSUES, are true, and constitute repeated acts
of negligence, and unprofessional conduct, and that cause exists
for the Board to take disciplinary action against Respondent's
Certificate and to revoke said Certificate No. 20A-4681.
Respondent makes this admission for purposes of this agreement and
for no other.

7. Based on all the foregoing admissions, stipulations
and recitals, it is stipulated and agreed that the Board may and
hereby does issue its Decision and Order upon this Stipulation,
whereby, the following discipline is imposed upon Respondent:

A. The Physician's and Surgeon's Certificate of
Dr. Underwood, Certificate No. 20A-4681 is
revoked as of the date of this Order; said
revocation is stayed for a period of

-2-
five-years upon satisfaction of the terms
and conditions of Probation as set forth
below.

B. Terms and conditions of probation for stay:

1) Respondent shall enroll in and complete
within three (3) semesters courses in
the respective fields of Medical Ethics,
Physical Diagnosis and General Medicine.
Within 30 days from the effective date
of this Order, Respondent shall have
submitted course availability and the
number of hours for each course for
Board approval, said approval by the
Board being required prior to
enrollment. Following completion of
each course, Respondent shall submit an
institution approved grade transcript,
as proof of passing said courses, to the
Board.

2) Respondent agrees that the Board's
designated representative may review the
records and files of the Respondent at
Respondent's office during regular
business hours.
3) Respondent agrees to conduct Chelation Therapy and treatment only in accordance with the Chelation Protocol as set out by the American Academy of Medical Preventics and that no treatment shall begin in the absence of a completed diagnosis and each requirement of the aforementioned protocol met and a record shall be kept in each patient's file of date and time when each requirement was met.

4) Respondent agrees to provide all patients considering Chelation Therapy with a Informed Consent Form which discloses the experimental nature of the treatment and the probability that Chelation Therapy and treatment will not be covered by medical insurance; Respondent agrees that he shall not treat a patient by Chelation Therapy in the absence of the signed consent form, executed prior to treatment.

C. During the aforementioned five-year period of the stay, of Revocation, Respondent shall provide written quarterly reports to the Board verifying that he has complied with
all the conditions of probation. The first such report shall be due within sixty (60) days from the effective date of this Decision and Order.

D. Respondent shall report annually and in person, to the Board, in the month of January, at the Board's statutory meeting, upon proper notice of time and place.

E. Respondent shall obey all the laws of the State of California and all the Rules and Regulations of the Board, and the Order herein governing the practice of medicine and osteopathy in the State of California.

F. Respondent voluntarily agrees to relinquish his Certificate No. 20A-4681, upon demand, as set forth in EXHIBIT "B" (attached hereto and incorporated herein, by this reference, as if fully set forth at length). Said voluntary relinquishment shall only become effective upon the Board's determination that a violation of any term or terms of probation has occurred during said five-year stay period. Upon such finding by the Board, said voluntary relinquishment of Respondent's Certificate No. 20A-4681
shall become effective immediately and without hearing and his Certificate revoked. 
Upon the successful completion of the probationary period, the voluntary 
relinquishment shall have no force or effect.

DATE: Oct 7, 1985

JOHN T. BORJE, Board Counsel
BOARD OF OSTEOPATHIC EXAMINERS

DATE: Oct 3, 1985

WILLIAM A. HINZ, 
Attorney for Respondent

I have read the foregoing document and have fully discussed it with my counsel, William A. Hinz. I am knowledgeable of and fully understand each and every section and subsection of the Board's Decision. I understand that by signing this Stipulation, Decision and Order, which I do freely, voluntarily, intelligently and knowingly, I am enabling the Board of Osteopathic Examiners to issue a Decision upon this document without hearing. I agree to the above Stipulation and each and all of its terms and to the effect that it will have.

DATE: 9/13/85

DONALD A. UNDERWOOD, Respondent

The foregoing Stipulation, Decision and Order and settlement of Case No. 5A-84, pertaining to DONALD A. UNDERWOOD, D.O., Certificate No. 20A-4681, is accepted. This Decision shall
become effective this 31st day of March, 1986.

IT IS SO ORDERED:

DATE: March 31, 1986

ROBERT M. ACOSTA, D.O., President
BOARD OF OSTEOPATHIC EXAMINERS
JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
ALAN A. MANGELS  
Deputy Attorney General  
3580 Wilshire Boulevard  
Los Angeles, CA 90010  
Telephone: (213) 736-2026  
Attorneys for Complainant  

BEFORE THE  
BOARD OF OSTEOPATHIC EXAMINERS  
STATE OF CALIFORNIA  

In the Matter of the Accusation  
Against:  

DONALD A. UNDERWOOD, D.O.  
Certificate No. 20A-4691  

ACCUSATION  

Respondent.  

Complainant, Linda Bergmann, Executive Officer of the  
Board of Osteopathic Examiners, as cause for disciplinary  
action, charges and alleges the following solely in her  
official capacity and not otherwise:  

1. On or about July 21, 1981, the Board of  
Osteopathic Examiners (hereinafter referred to as "board")  
issued to respondent Donald A. Underwood, D.O. (hereinafter  
referred to as "respondent") physician's and surgeon's  
certificate number 20A-4691. Said license is currently in  
probationary status pursuant to Board Decision No. 5A-84 and  

5137H
has been renewed until December 31, 1987.

2. Pursuant to section 3600-2 of the Business and Professions Code (hereinafter all references shall be to the Business and Professions Code unless otherwise noted), the board shall enforce, inter alia, those portions of the Medical Practice Act set forth in article 12 of chapter 5 of division 2 of the Business and Professions Code (§§ 2220-2317).

3. Pursuant to sections 2227 and 2228, the board may suspend, revoke, or place on probation any physician and surgeon certificate holder; pursuant to section 2234, the board shall take disciplinary action against any licensee charged with unprofessional conduct.

4. Pursuant to section 2305, the revocation, suspension, or other discipline imposed by another state of a certificate to practice medicine constitutes grounds for disciplinary action for unprofessional conduct against such licensee in the State of California.

5. Respondent's license is subject to disciplinary action in accordance with sections 2227 and 2234 by reason of violations of section 2305 as follows:

A. On or about October 15, 1982, the Florida State Board of Osteopathic Medical Examiners in a case entitled, "Department of Professional Regulations, Board of Osteopathic Medical Examiners v. Donald Underwood, D.O." No. 0010226, ordered respondent's license to practice osteopathic medicine in the State of Florida to be indefinitely suspended; said suspension was based on
various findings which would be in violation of California
state law, if committed in California and included, inter
alia, ten separate violations of section 2238 (violation of
drugs statutes); section 2242 (furnishing dangerous drugs
without prior examination or medical indication); and
section 725 (clearly excessive prescribing).

B. On or about March 24, 1982, the New York State
Board of Regents of the University of the State of
New York, State Education Department in a case entitled,
"In the Matter of the Proceedings by the State Board for
Professional Medical Conduct . . . with respect to . . .
the license heretofore granted to Donald Underwood, D.O.,
. . . .," Case No. 2312, ordered respondent's license to
practice as a physician in the State of New York to be
permanently revoked; said revocation was based on findings
which would be in violation of California state law, if
committed in California and included, inter alia, seven
separate violations of section 2334, subdivisions (b), (d)
and (e) (gross incompetence, gross negligence, dishonest
acts) as well as violation of section 2264 (aiding and
abetting the unlicensed practice of medicine).

WHEREFORE, complainant prays that the board hold a
hearing on the above matter and following said hearing:

1. Issue an order suspending or revoking physician's
and surgeon's certificate number 20A-4691 heretofore issued to
respondent Donald Underwood, D.O.; and

/  

3. 5137H
2. Taking such other and further action as the board deems proper.

Dated: March 24, 1987

[Signature]
LINDA BERGMANN
Executive Officer
Board of Osteopathic Examiners
Complainant
BEFORE THE
BOARD OF OSTEOPATHIC EXAMINERS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

DONALD A. UNDERWOOD, D.O.
215 N. Marengo Ave., Suite 150
Pasadena, CA 91101
Certificate No. 20A-4691

Respondent.

No. 87-2

STIPULATION

IT IS HEREBY STIPULATED by the parties to the
above-entitled matter as follows:

1. Accusation No. 87-2 has been filed and served upon
Donald A. Underwood, D.O., (hereinafter "respondent"). Said
accusation No. 87-2 is incorporated herein by reference as though
fully set forth at this point.

2. Respondent has fully discussed with his counsel,
William Hinz, Esq., the charges and allegations of the violations
alleged in said accusation and has been fully advised of his
rights under the Administrative Procedure Act, including his
right to a formal hearing and an opportunity to defend against the charges contained herein, reconsideration, and appeal from any adverse decision which might be rendered following the hearing.

3. Respondent admits to the truth of the allegations contained in paragraphs 1 and 5 in the accusation No. 87-2 and further admits that his certificate to practice medicine is subject to discipline pursuant to Business and Professions Code sections 2227 and 2234, by reason of violations of section 2305 of the Business and professions Code.

4. The foregoing admissions are made for the purpose of settling this action and this action only, and cannot be used in any other action, including but not limited to any other civil or criminal proceeding, and in the event this stipulation is not adopted by the Board of Osteopathic Examiners, the admission made herein shall be null, void and inadmissible in any proceeding involving the parties to it.

WHEREFORE, it is further stipulated and agreed that the Board of Osteopathic Examiners may issue the following order:

Physician Certificate No. 20A-4691 issued to respondent Donald A. Underwood, D.O., is hereby revoked; however, the execution of said order of revocation shall be stayed and respondent is placed on probation for five years upon the following terms and conditions:

2.
A. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

B. Respondent shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of probation.

C. Respondent shall appear in person for interview with the board's consultants upon request at various intervals and with reasonable notice.

D. As part of probation, respondent is suspended from the practice of medicine for three years beginning effective date of this decision.

E. Respondent shall not prescribe, administer, dispense, order, or possess any controlled substances as defined in the California Uniform Controlled Substances Act. This restriction does not prohibit respondent from personal use or possession of controlled substances or dangerous drugs which apply to medications lawfully prescribed to respondent, for a bona fide illness or condition, by another practitioner.

F. Respondent shall surrender his DEA permit to the federal Drug Enforcement Administration for cancellation together with any triplicate prescription form and federal order forms. Thereafter, respondent shall not reapply for a new DEA permit without the prior written consent of the board.

/ 3. 
G. Prior to the practice of medicine in the State of California, respondent shall submit to the board for its prior approval a plan of practice which respondent's practice shall be monitored by another physician in respondent's field of practice, who shall provide periodic reports to the board. If the monitor quits, or is no longer available, respondent shall not practice until a new monitor has been substituted, through nomination by the respondent and approval by the board.

H. In the event respondent should leave California to reside or to practice outside the state, respondent must provide written notification to the board of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

I. Upon successful completion of probation, respondent's certificate will be fully restored.

J. If respondent violates probation in any respect, the board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the revocation of respondent's license. If an accusation or petition to revoke probation is filed against respondent during probation, the board shall have continuing /  
/  
/  
/  
4.
jurisdiction until the matter is final, and the period of
probation shall be extended until the matter is final.

JOHN K. VAN DE KAMP, Attorney General
of the State of California

Dated: 11/15/88

ALAN A. MANGELS
Deputy Attorney General

Dated: 4/14/88

WILLIAM HINZ, ESQ.
Attorney for Respondent.

I have read this stipulation and order and I understand
its contents and legal effect. I freely and voluntarily sign
this stipulation and agree to its terms with full knowledge that
my certificate to practice in California is revoked but the
revocation has been stayed and I will be placed on probation upon
various terms and conditions, all of which I shall be in full
compliance during the period of probation.

Dated: 11/15/88

Donald A. Underwood
Respondent.

AAM:gn
2-23-88
(Undrwd)

5.
DECISION AND ORDER

This Stipulation shall become effective on June 18, 1988.

IT IS SO ORDERED June 18, 1988.

BOARD OF OSTEOPATHIC EXAMINERS
STATE OF CALIFORNIA

Bryn J. Henderson, D.O.
President
BEFORE THE
BOARD OF OSTEOPATHIC EXAMINERS
STATE OF CALIFORNIA

In the Matter of the Petition for )
Modification of Probation of: )
) No. 87-2
DONALD A. UNDERWOOD, D.O., ) L-52756
Petitioner.

DECISION

This matter came on regularly for hearing before a quorum of the Board of Osteopathic Examiners at Anaheim, California, on February 23, 1991, with W. F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, presiding. Susan Fitzgerald, Deputy Attorney General, represented the Attorney General. The petitioner represented himself. Oral and documentary evidence having been received and the matter submitted, the Board finds the following facts:

I

A. On or about July 21, 1981, the Board issued to petitioner Physician's and Surgeon's Certificate No. 20A-4691. At the time of the below-described disciplinary action, the license was in probationary status pursuant to Board Decision 5A-84.

B. Effective June 18, 1988, by stipulation in Case No. 87-2, petitioner's license was revoked, revocation was stayed, and petitioner was placed on probation for five years. The license discipline was based:

1. Upon the indefinite suspension of petitioner's Florida license for violation of drug statutes, furnishing dangerous drugs without prior examination or medical indication, and clearly excessive prescribing; and,

2. Upon the revocation of petitioner's New York license for gross incompetence, gross negligence, dishonest acts, and aiding and abetting the unlicensed practice of medicine.
C. Inter alia, petitioner ("respondent" in that case) stipulated to the following terms and conditions as part of his probation in Case No. 87-2:

....

As part of probation, respondent is suspended from the practice of medicine for three years beginning from the effective date of this decision.

....

....

In the event respondent should leave California to reside or to practice outside the State, respondent must provide written notification to the board of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

....

D. On or about January 21, 1991, the Board received the pending Petition for Modification of Probation, and these proceedings duly ensued.

II

From the beginning of his probationary period until June 18, 1990, a period of two years, petitioner remained away from California while pursuing some educational goals. He notified the Board of that absence, giving an address in Wayne, Michigan, on his required probationary reports. Petitioner contends that his two-year absence from the state did not constitute residency elsewhere, as it was temporary, and he always stated his intention to return to California.

III

Petitioner now asks the Board to restore to him an unrestricted license, or at least to remove the prescribing and Drug Enforcement Administration restrictions of his probation, and, further, to credit his two-year absence from California against the three-year period of his actual suspension from practice.

IV

A. Petitioner did not establish by competent evidence that the modification of his probation, either by restoration of an unrestricted license or by removal of any of the probationary restrictions, would benefit the public health and welfare.
B. Petitioner's two-year period of residence outside the county and the five-year period of probation, including the three-year period of his actual suspension, is insufficient to relieve him from the provisions of his stipulated probation order in Case No. 87-2.

* * * * *

Pursuant to the foregoing findings of fact, the Board makes the following determination of issues:

Petitioner has not sustained his burden of proof to justify the granting of his petition.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The Petition for Modification of Probation is denied.

This Decision shall become effective on the 18th day of April, 1991.

IT IS SO ORDERED this 18th day of March, 1991.

RICHARD T. PITTS, D. O.
President
Board of Osteopathic Examiners

RTP:myg
May 21, 1993

Robert McKim Bell
Deputy Attorney General
State of California
Department of Justice
300 South Spring Street, 5th Floor
Los Angeles, CA 90013

Re: EDTA Chelation Therapy

Dear Mr. Bell:

The office of the Colorado Board of Medical Examiners is in receipt of your correspondence dated May 11, 1993, with regard to EDTA Chelation Therapy.

Please note that chelation therapy has not been raised as an issue in any disciplinary actions pursued by the Medical Board. While Board members hold the opinion that chelation therapy is not a scientifically validated procedure, and that its benefits, if any are unproven, to date the Board has not ever filed charges against a physician for performing chelation therapy.

Please do not hesitate to contact me should you have any further questions.

Very truly yours,

FOR THE BOARD OF MEDICAL EXAMINERS

[Signature]
Shannel B. Lorance
Administrative Officer

FOR THE DEAF AND HEARING IMPAIRED V/TDD (303) 894-7880