

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)

RENAN JAYME DUREZA, M.D.)

Case No. 8002014004213

Physician's and Surgeon's)
Certificate No. C51663)

Respondent)
_____)

DECISION

The attached Stipulated Surrender of License is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 30, 2014

IT IS SO ORDERED December 23, 2014.

MEDICAL BOARD OF CALIFORNIA

By: Kimberly Kirchmeyer
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of the State of California
2 JANE ZACK SIMON (SBN 116564)
Supervising Deputy Attorney General
3 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
4 Telephone: (415) 703-5544
Fax: (415) 703-5480

5 *Attorneys for Complainant*
6 *Medical Board of California*

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **RENAN JAYME DUREZA, M.D.**
5506 Greenleaf Road
Baltimore, MD 21210

14 Physician's and Surgeon's Certificate No. C51663

Case No.: 800-2014-004213

STIPULATED SURRENDER OF
LICENSE

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding, that the following matters are true:

18 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical
19 Board of California. This action has at all times been maintained solely in the official capacity of
20 the Executive Director of the Medical Board of California, who is represented by Kamala D.
21 Harris, Attorney General of the State of California, by Jane Zack Simon, Supervising Deputy
22 Attorney General.

23 2. Renan Jayme Dureza, M.D. (Respondent) is representing himself in this
24 proceeding.

25 3. Respondent has received, read and understands the Accusation which is presently
26 on file and pending in case number 800-2014-004213(Accusation) a copy of which is attached as
27 Exhibit A.

28 ///

1 4. Respondent has carefully read and understands the charges and allegations in the
2 Accusation. Respondent also has carefully read and understands the effects of this Stipulated
3 Surrender of License (Stipulation.)

4 5. Respondent is fully aware of his legal rights in this matter, including the right to a
5 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
6 his own expense; the right to confront and cross-examine the witnesses against him; the right to
7 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
8 the attendance of witnesses and the production of documents; the right to reconsideration and
9 court review of an adverse decision; and all other rights accorded by the California
10 Administrative Procedure Act and other applicable laws.

11 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
12 every right set forth above.

13 7. Respondent agrees that based on the action taken by the Montana Board of
14 Medical Examiners as alleged in the Accusation, cause exists to discipline his California
15 physician's and surgeon's certificate pursuant to Business and Professions Code sections 141 and
16 2305. Respondent has no present plans to practice in California; he wishes to surrender his
17 California license at this time.

18 8. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation
19 for Surrender of License shall be subject to the approval of the Board. Respondent understands
20 and agrees that the Medical Board's staff and counsel for Complainant may communicate directly
21 with the Board regarding this Stipulation without notice to or participation by Respondent. By
22 signing this Stipulation, Respondent understands and agrees that he may not withdraw his
23 agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it.
24 In the event that this Stipulation is rejected for any reason by the Board, it will be of no force or
25 effect for either party. The Board will not be disqualified from further action in this matter by
26 virtue of its consideration of this Stipulation.

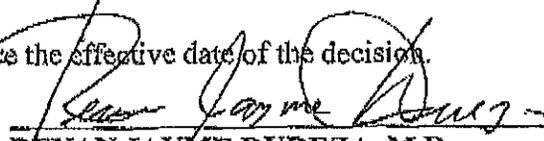
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and wallet certificate in my possession before the effective date of the decision.

DATED: Dec. 11, 2014


RENAN JAYME DUREZA, M.D.
Respondent.

ENDORSEMENT

The foregoing Stipulated Surrender of License is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: December 12, 2014

KAMALA D. HARRIS
Attorney General of the State of California

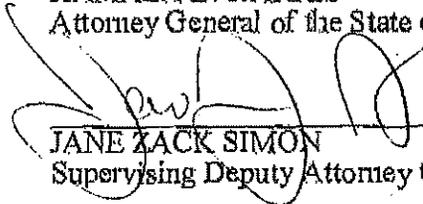

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant.

EXHIBIT A

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 18 20 14
BY Wally ANALYST

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Deputy Attorney General
3 State Bar No. 116564
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6 E-mail: Janezack.simon@doj.ca.gov

Attorneys for Complainant

8 BEFORE THE
9 MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:
12 **RENAN JAYME DUREZA, M.D.**
13 5506 Greenleaf Road
Baltimore, MD 21210
14 Physician's and Surgeon's
Certificate No. C51663
15
16 Respondent.

Case No. 8002014004213

A C C U S A T I O N

17 The Complainant alleges:

18 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
19 of California, Department of Consumer Affairs, and brings this Accusation solely in her official
20 capacity.

21 2. On July 14, 2004, Physician's and Surgeon's Certificate No. C51663 was issued by
22 the Medical Board of California to Renan Jayme Dureza, M.D. (Respondent.) The certificate is
23 renewed and current with an expiration date of October 31, 2015.

24 JURISDICTION

25 3. This Accusation is brought before the Medical Board of California (Board) under
26 the authority of the following sections of the California Business and Professions Code (Code)
27 and/or other relevant statutory enactment:

28 A. Section 2227 of the Code provides in part that the Board may revoke,

1 suspend for a period not to exceed one year, or place on probation, the license of any
2 licensee who has been found guilty under the Medical Practice Act, and may recover the
3 costs of probation monitoring.

4 B. Section 2305 of the Code provides, in part, that the revocation, suspension,
5 or other discipline, restriction or limitation imposed by another state upon a license to
6 practice medicine issued by that state, that would have been grounds for discipline in
7 California under the Medical Practice Act, constitutes grounds for discipline for
8 unprofessional conduct.

9 C. Section 141 of the Code provides:

10 “(a) For any licensee holding a license issued by a board under the
11 jurisdiction of a department, a disciplinary action taken by another state, by any
12 agency of the federal government, or by another country for any act substantially
13 related to the practice regulated by the California license, may be ground for
14 disciplinary action by the respective state licensing board. A certified copy of the
15 record of the disciplinary action taken against the licensee by another state, an
16 agency of the federal government, or by another country shall be conclusive
17 evidence of the events related therein.

18 “(b) Nothing in this section shall preclude a board from applying a
19 specific statutory provision in the licensing act administered by the board that
20 provides for discipline based upon a disciplinary action taken against the licensee
21 by another state, an agency of the federal government, or another country.”

22 FIRST CAUSE FOR DISCIPLINE

23 (Discipline, Restriction, or Limitation Imposed by Another State)

24 4. On March 21, 2014, the Montana Board of Medical Examiners issued a Stipulation
25 and Final Order regarding Respondent's license to practice medicine in Montana. The Stipulation
26 and Final Order includes factual findings regarding Respondent, a 76 year old physician who is
27 certified in gastroenterology and internal medicine. During a review of quality of care concerns
28 by a Montana healthcare facility, Respondent underwent a skills assessment through the Center
for Personalized Education for Physicians (CPEP) which identified “areas of educational need.”
Respondent disagreed with the necessity of certain CPEP recommendations and elected not to
complete them. Respondent indicated that he had not practiced medicine in Montana or
elsewhere since January 2012, and expressed his desire to discontinue his gastroenterology
practice. Based on these findings, the Stipulation and Final Order provides that until such time as

1 Respondent completes the recommendation of the CPEP report, his Montana medical license is
2 limited. He must cease the practice of gastroenterology including performing of colonoscopies or
3 other procedures typical of gastroenterology; his practice will be limited to internal medicine in a
4 setting other than Montana; should he opt to complete the CPEP recommendations he may
5 petition for reconsideration of the sanction. A copy of the Stipulation and Final Order and the
6 Notice of Proposed Board Action and Opportunity for Hearing issued by the Montana Board of
7 Medical Examiners are attached as Exhibit A.

8 5. Respondent's conduct and the actions of the Montana Board of Medical Examiners
9 as set forth in paragraph 4, above, constitute unprofessional conduct within the meaning of
10 section 2305 and conduct subject to discipline within the meaning of section 141(a).

11 **PRAYER**

12 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board issue a decision:

14 1. Revoking or suspending Physician's and Surgeon's Certificate Number C51663
15 issued to respondent Renan Jayme Dureza, M.D.;

16 2. Revoking, suspending or denying approval of Respondent's authority to supervise
17 physician assistants;

18 3. Ordering Respondent, if placed on probation, to pay the costs of probation
19 monitoring; and

20 4. Taking such other and further action as the Board deems necessary and proper.

21 DATED: June 18, 2014

22
23 
24 **KIMBERLY KIRCHMEYER**
25 Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
28 State of California

Complainant

EXHIBIT A

**BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA**

In the Matter of the Proposed Discipline of Renan Dureza, M.D., License No. MED-PHYS-LIC-12216,	Case No. 2012-MED-LIC-645 STIPULATION and FINAL ORDER
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The Business Standards Division of the Department of Labor and Industry of the state of Montana (Department), by and through its legal counsel and Renan Dureza (Licensee), stipulate and agree as follows:

1. Jurisdiction. Licensee is licensed as a Physician by the state of Montana Board of Medical Examiners, Montana License No. MED-PHYS-LIC-12216. The Board of Medical Examiners (Board) has personal and subject matter jurisdiction in this matter.

2. Waiver of Rights. Licensee has read and understands each term of the *Notice of Proposed Board Action and Opportunity for Hearing (Notice)* and this Stipulation, and understands the various rights provided, including the right to a hearing before an impartial hearings examiner, the right to present evidence and testify and confront and cross-examine witnesses at the hearing, the right to be represented by legal counsel, the right to request judicial review and appeal, and all other rights under Montana Code Annotated Title 2, chapter 4, part 6; (Montana Administrative Procedure Act), Title 37, chapters 1 and 3, and other applicable law.

Licensee desires to avoid unnecessary expenditure of time and other valuable resources to resolve this matter. Therefore, Licensee voluntarily and knowingly waives the rights listed above and elects to resolve this matter on the terms and conditions of this Stipulation and

Stipulation and Final Order
In Re Renan Dureza Case No. 2012-MED-LIC-645

CERTIFIED CORRECT COPY OF ORIGINAL
OF PUBLIC RECORD, STATE OF MONTANA

Lakelle M. Potter

CLERK OF RECORD
4/15/14

acknowledges that no promise, other than those contained in this Stipulation, and no threat or improper assertion has been made by the Board or Department or by any member, officer, agent or representative of the Board or Department to induce Licensee to enter into this Stipulation.

3. Release. This Stipulation is a final compromise and settlement of this contested case proceeding. Licensee, his or her assigns, agents, and representatives, releases the Board, its members, officers, agents, or representatives from any and all liability, claim, and cause of action, whether now known or contemplated, including but not limited to, any claims under Montana Code Annotated Title 2, chapter 9, part 3 (Montana Tort Claims Act), as amended, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case, its processing, investigation, litigation, or from the negotiation or execution of this Stipulation.

4. Firm Offer, Merger and Modification. This Stipulation constitutes a firm offer that may not be rescinded by the Licensee prior to the Board's decision to either approve or reject it. This Stipulation contains the entire agreement of the parties. All prior discussions and writings are superseded by this Stipulation, and no discussion by the Board prior to the approval of this Stipulation may be used to interpret it nor to effect any enlargement, alteration, or modification of it. Any enlargement, alteration, or modification requires a written amendment signed by both parties.

5. Multiple Counterparts and Severability. This Stipulation may be signed in multiple counterparts, all of which taken together shall constitute one and the same instrument, and copies of signatures shall be deemed originals for all purposes. If a court or administrative tribunal declares any term or condition contained in this Stipulation to be unenforceable for any reason, the unenforceable term or condition shall be severed from the remainder of this

Stipulation, and the remainder of this Stipulation shall be interpreted and enforced according to its original intent.

6. Reservation. This Stipulation does not restrict the Board from initiating disciplinary action concerning allegations of unprofessional conduct that occur after the date Licensee signs this Stipulation or concerning allegations of conduct not specifically mentioned in this Stipulation that are now known to the Board or yet to be discovered.

7. Stipulation Subject to Final Approval. This Stipulation is subject to final approval by the Adjudication Panel of the Board (Adjudication Panel).

8. Renewed Right to Hearing -- Inadmissibility of Stipulation. If the Board considers and does not approve this Stipulation, it is withdrawn and may not be considered as evidence for any purpose. Licensee will have a renewed 20 days from the date of the publicly noticed Board Adjudication Panel meeting to submit a written request for a hearing in this matter. Failure by Licensee to request a hearing constitutes a default and allows the Board to enter a Final Order of discipline against Licensee. If, instead, this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating to this Stipulation.

9. Entry of Final Order -- Stipulated Facts & Charges. Licensee consents to the entry of a Final Order in this matter to the extent that is consistent with this Stipulation and has final approval by the Adjudication Panel. Licensee admits the truth of the fact assertions alleged and agrees that factual and legal basis support the stipulated disciplinary sanctions below.

10. Stipulated Facts.

Licensee is licensed by the Montana Board of Medical Examiners to practice as a medical doctor, holding Montana License No. MED-PHYS-LIC-12216. Dr. Dureza's Montana medical license expired on March 31, 2013.

Stipulation and Final Order
In Re Renan Dureza Case No. 2012-MED-LIC-645

The Board has subject matter jurisdiction and legal authority to bring this action under Mont. Code Ann. §§ 37-1-131, 37-1-136, 37-1-307, 37-1-309, and Title 37, chapter Admin. R. Mont. 24.156.1625.

Dr. Dureza is Board certified in both gastroenterology and internal medicine. Dr. Dureza is 76 years of age.

This matter came to the Screening Panel through a Board-generated complaint based on a mandatory report submitted on May 10, 2012, by St. Vincent Healthcare of Billings, Montana, advising that its Board of Directors revoked Dr. Dureza's privileges on July 21, 2011. That same action was reported to the Screening Panel through an adverse action report of the National Practitioner Data Bank.

Dr. Dureza responded to the complaint by asserting that he served as a *locum tenens* in gastroenterology for a time before accepting a fulltime position with St. Vincent Healthcare. Dr. Dureza defended the quality of care provided to named patients and advised that he was in litigation with St. Vincent Healthcare over its action and that matter eventually was settled in December of 2012. Dr. Dureza added that he had relocated to another state and held no privileges at any facility in Montana. By agreement dated October 17, 2012, Dr. Dureza voluntarily ceased practicing medicine in Montana. Prior to the 17 cases eventually having been reported to, and reviewed by, the Screening Panel, Dr. Dureza had been exonerated in 9 such cases by the responsible Peer Review Committee of St. Vincent Healthcare, with his care in each such case having been found appropriate.

The Screening Panel then moved to seek a peer review of 17 cases first studied by St. Vincent Healthcare. The matter returned to the Screening Panel on February 15, 2013, for review of the completed peer review. That peer review found quality of care issues, but since the parties reported discussions regarding a diversion, the Screening Panel tabled the matter.

The Screening Panel reexamined the results of a third-party peer review at its June 14, 2013 meeting. The Panel agreed to table the matter one month to allow Dr. Dureza to consider a skills review through the Center for Personalized Education for Physicians in Denver, Colorado. At its July 19, 2013, meeting the Screening Panel noted that Dr. Dureza had undertaken steps to arrange the CPEP review. Consequently, the Panel again tabled the matter until October 2013 for

review. The Panel's reconsideration was postponed pending receipt of CPEP evaluation report.

On January 17, 2014, the Screening Panel reviewed the December 11, 2013, recommendations of the CPEP program based on its September 16-17, 2013, assessment. CPEP's assessment report was limited to a review of Dr. Dureza's gastroenterology practice only and identified "areas of educational need." Because of his disagreement over the necessity of certain CPEP recommendations, Dr. Dureza has elected not to complete the same. Given the results of the earlier peer review, coupled with CPEP's recommendations, the Screening Panel moved to initiate discipline.

Dr. Dureza has not practiced medicine in Montana or elsewhere since January 2012. It is his desire to discontinue any practice related to gastroenterology and resume the practice of internal medicine in a setting other than Montana.

Dr. Dureza admits the facts alleged in this paragraph and acknowledges that the Board has determined those facts support disciplinary action by the Board pursuant to Mont. Code Ann. §§ 37-1-316(18), and Admin. R. Mont. 24.156.1625(1)(ab).

As a result of these proceedings, Dr. Dureza has not engaged in active practice in Montana or elsewhere, in any capacity, since January of 2012. He avers that it has been, and continues to be, his intention to refrain from the practice of gastroenterology ("GI") or engage in, or undertake, GI procedures of any kind including, but not limited to, performing colonoscopies or other procedures typical of GI practice. Instead, he intends to focus on, and limit his practice, if at all, solely to work outside of Montana that may be available to him in the field of internal medicine ("IM").

11. Stipulated Disciplinary Sanctions. Upon acceptance of this Stipulation by the Adjudication Panel, Licensee agrees to the following conditions for his continued licensure in the state of Montana:

a. Until such time as he completes the recommendations in the CPEP report of September 16-17, 2013, Dr. Dureza's Montana medical license, license no. MED-PHYS-LIC-12216, is limited as described below. Mont. Code Ann. § 37-1-312(1)(c).

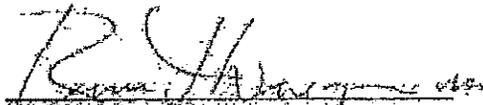
b. Dr. Dureza will cease the practice of gastroenterology including performing colonoscopies or other procedures typical of gastroenterology.

c. Dr. Dureza's practice henceforth will be limited to internal medicine in a setting other than Montana.

d. Should Dr. Dureza opt to complete the CPEP recommendations, he may petition the Board of Medical Examiners' Adjudication Panel, pursuant to Mont. Code Ann. § 37-3-324, for reconsideration of this sanction. The Adjudication Panel may require evidence of successful completion of the CPEP program and evidence of adequate gastroenterology skills together with such other proofs as may be permitted under § 37-3-324.

e. The parties' cessation of practice agreement of October 17, 2012, is superseded by the Board's Final Order and void.

12. Public Documents. The Notice, this Stipulation, and a Final Order issued by the Board are public documents that the Department, at minimum, must make publicly available on the Department's website and may otherwise distribute to other interested persons or entities.


Renan Dureza, M.D.
Licensee

03-14-2014
DATE


Michael J. San Souci, Esq.
Attorney for Licensee

3/17/14
DATE


Michael L. Fanning
Department Counsel
Montana Board of Medical Examiners

March 17, 2014
DATE

Stipulation and Final Order
In Re Renan Dureza Case No. 2012-MED-LIC-645

FINAL ORDER

The Stipulation is approved, adopted, and incorporated in and made a part of this Final Order. Licensee's failure to strictly abide by the terms of the Stipulation shall constitute a violation of the Final Order of the Board.

DATED this 21 day of March 2014.

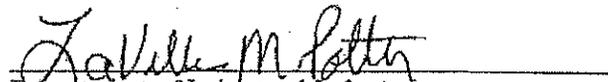


Presiding Officer
Board of Medical Examiners

CERTIFICATE OF SERVICE

I certify that I served true and accurate copies of the fully executed *STIPULATION* and *FINAL ORDER APPROVING STIPULATION* by U.S. mail, postage prepaid, upon the following:

DATED this 31st day of March 2014.



Department of Labor and Industry

Michael L. Fanning
Special Assistant Attorney General
DEPARTMENT OF LABOR & INDUSTRY
Office of Legal Services
301 South Park Avenue
PO Box 200513
Helena, MT 59620-0513
Telephone: (406) 841-2054
Fax: (406) 841-2313
E-mail: *mfanning@mt.gov*

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the Matter of the Proposed Discipline of Renan Dureza, M.D., License No. MED-PHYS-LIC-12216.	Case No. 2012-MED-LIC-645 NOTICE OF PROPOSED BOARD ACTION AND OPPORTUNITY FOR HEARING
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TO: Renan Dureza, M.D.

Michael J. San Souci, Esq.
Stoneridge Professional Plaza
2135 Charlotte St, Suite 1A
Bozeman, MT 59718-2741

On August 17, 2012, February 15, 2013, June 14, July 19, 2013, and January 17, 2014,
the Screening Panel of the Montana Board of Medical Examiners (the Screening Panel)
considered information presented by the Montana Department of Labor and Industry
(Department) and directed issuance of this *Notice of Proposed Board Action and Opportunity for
Hearing* (Notice) to Renan Dureza, M.D., (Licensee).

CERTIFIED CORRECT COPY OF ORIGINAL
OF PUBLIC RECORD, STATE OF MONTANA.

Takela M. Potter
BY: CLERK OF RECORDS
4/15/14

A. FACT ASSERTIONS

1. Licensee is licensed by the Montana Board of Medical Examiners to practice as a medical doctor, holding Montana License No. MED-PHYS-LIC-12216. Dr. Dureza's Montana medical license expired on March 31, 2013.

2. The Board has subject matter jurisdiction and legal authority to bring this action under Mont. Code Ann. §§ 37-1-131, 37-1-136, 37-1-307, 37-1-309, and Title 37, chapter Admin. R. Mont. 24.156.1625.

3. Dr. Dureza is Board certified in both gastroenterology and internal medicine. Dr. Dureza is 76 years of age.

4. This matter came to the Screening Panel through a Board-generated complaint based on a mandatory report submitted on May 10, 2012, by St. Vincent Healthcare of Billings, Montana, advising that its Board of Directors revoked Dr. Dureza's privileges on July 21, 2011. That same action was reported to the Screening Panel through an adverse action report of the National Practitioner Data Bank.

5. Dr. Dureza responded to the complaint by asserting that he served as a *locum tenens* in gastroenterology for a time before accepting a fulltime position with St. Vincent Healthcare. Dr. Dureza defended the quality of care provided to named patients and advised that he was in litigation with St. Vincent Healthcare over its action and that matter eventually was settled in December of 2012. Dr. Dureza added that he had relocated to another state and held no privileges at any facility in Montana. By agreement dated October 17, 2012, Dr. Dureza voluntarily ceased practicing medicine in Montana. Prior to the 17 cases eventually having been reported to, and reviewed by, the Screening Panel, Dr. Dureza had been exonerated in 9 such cases by the responsible Peer Review Committee of St. Vincent Healthcare, with his care in each such case having been found appropriate.

6. The Screening Panel then moved to seek a peer review of 17 cases first studied by St. Vincent Healthcare. The matter returned to the Screening Panel on February 15, 2013, for

review of the completed peer review. That peer review found quality of care issues, but since the parties reported discussions regarding a diversion, the Screening Panel tabled the matter.

7. The Screening Panel reexamined the results of a third-party peer review at its June 14, 2013 meeting. The Panel agreed to table the matter one month to allow Dr. Dureza to consider a skills review through the Center for Personalized Education for Physicians in Denver, Colorado. At its July 19, 2013, meeting the Screening Panel noted that Dr. Dureza had undertaken steps to arrange the CPEP review. Consequently, the Panel again tabled the matter until October 2013 for review. The Panel's reconsideration was postponed pending receipt of CPEP evaluation report.

8. On January 17, 2014, the Screening Panel reviewed the December 11, 2013, recommendations of the CPEP program based on its September 16-17, 2013, assessment. CPEP's assessment report was limited to a review of Dr. Dureza's gastroenterology practice only and identified "areas of educational need." Because of his disagreement over the necessity of certain CPEP recommendations, Dr. Dureza has elected not to complete the same. Given the results of the earlier peer review, coupled with CPEP's recommendations, the Screening Panel moved to initiate discipline.

9. Dr. Dureza has not practiced medicine in Montana or elsewhere since January 2012. It is his desire to discontinue any practice related to gastroenterology and resume the practice of internal medicine in a setting other than Montana.

B. CHARGE OF STATUTES, RULES, OR STANDARDS VIOLATED

Based on the foregoing facts, the Screening Panel found reasonable cause to believe that the licensee violated each of the following statutes, rules, or standards, justifying disciplinary proceedings:

Mont. Code Ann. § 37-1-316. Unprofessional conduct. The following is unprofessional conduct for a licensee or license applicant governed by this part:

* * *

(11) having a physical or mental disability that renders the licensee or license applicant unable to practice the profession or occupation with reasonable skill and safety;

* * *

(18) conduct that does not meet the generally accepted standards of practice.

Admin. R. Mont. 24.156.625 Unprofessional Conduct (1) In addition to those forms of unprofessional conduct defined in 37-3-316, MCA, the following is unprofessional conduct for a licensee or license applicant under Title 37, chapter 3, MCA:

* * *

(v) any other act, whether specifically enumerated or not, that in fact constitutes unprofessional conduct;

* * *

(ab) having voluntarily relinquished or surrendered a license or privileges or having withdrawn an application for licensure or privileges, while under investigation or prior to the granting or denial of an application in this state, or in another state or jurisdiction.

Mont. Code Ann. § 37-3-403. Report of prohibition or limitation on practice by hospital. Each hospital or health care facility that prohibits or limits the privilege of a physician to practice medicine within that facility shall report the action to the state board of medical examiners within 30 days after the action is taken. The report must include the reason or reasons for the prohibition or limitation.

Mont. Code Ann. § 37-3-323. Suspension of license -- investigation. (1) The department may investigate whenever the department learns of a reason to suspect that a license applicant or a person having a license to practice medicine in this state:

(a) is mentally or physically unable to safely engage in the practice of medicine, has procured a license to practice medicine by fraud or misrepresentation or through mistake, has been declared incompetent by a court of competent jurisdiction and has not later been lawfully declared competent, or has a condition that impairs the person's intellect or judgment to the extent that the condition incapacitates the person for the safe performance of professional duties;

(b) has been guilty of unprofessional conduct;

(c) has practiced medicine with a suspended or revoked license;

(d) has had a license to practice medicine suspended or revoked by any licensing authority for reasons other than nonpayment of fees; or

(e) while under probation has violated the terms of probation.

(2) The investigation must be for the purpose of determining the probability of the existence of these conditions or the commission of these offenses and may, upon order of the board, include requiring the person to submit to a physical examination or a mental examination, or both, by a physician or physicians selected by the board if it appears to be in the best interests of the public that this evaluation be secured. The board may examine and scrutinize the hospital records and reports of a licensee or license applicant as part of the examination, and copies must be released to the board on written request.

(3) If a person holding a license to practice medicine under this chapter is by a final order or adjudication of a court of competent jurisdiction adjudged to be mentally incompetent, to be addicted to the use of addictive substances, or to have been committed pursuant to 53-21-127, the person's license may be suspended by the board. The suspension continues until the licensee is found or adjudged by the court to be restored to

reason or cured or until the person is discharged as restored to reason or cured and the person's professional competence has been proved to the satisfaction of the board.

C. STATEMENT OF RIGHTS AND PROCEDURES

1. You may request a hearing to contest these charges. To exercise the right to a hearing, you must send a written request within 20 days of receipt of this Notice, addressed as follows:

Becky Carter, Compliance Unit Supervisor
Business Standards Division
Department of Labor and Industry
301 South Park Avenue
P.O. Box 200514
Helena, MT 59620-0514

2. Failure to request a hearing within 20 days of the receipt of this Notice constitutes a default and allows the Board to enter a Final Order of discipline against you on the basis of the facts available to it.

3. If you request a hearing within 20 days, the Commissioner of Labor and Industry will appoint an impartial hearings examiner to conduct the hearing. The hearings examiner will notify you and the Department of the time and place of the hearing. You have the right to appear in person or by or with counsel.

4. Procedural and substantive requirements governing this matter may be found at Montana Code Annotated Title 2, chapter 4, part 6; (Montana Administrative Procedure Act), Title 37, chapter 1, parts 1 and 3; and Title 37, chapter Admin. R. Mont. 24.156.1625, including the right to a hearing before an impartial hearings examiner, the right to present evidence and testify and confront and cross-examine witnesses at the hearing, the right to be represented by legal counsel, and the right to request judicial review and appeal.

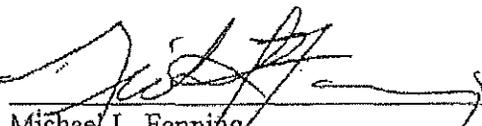
5. After a proposed decision of a hearing examiner, a default, or a stipulated agreement, the Board will issue a Final Order imposing one or any combination of the sanctions under rules adopted by the Board under Mont. Code Ann. § 37-1-136 and Mont. Code Ann. § 37-1-312(1) as follows:

- (a) revocation of the license;
- (b) suspension of the license for a fixed or indefinite term;
- (c) restriction or limitation of the practice;
- (d) satisfactory completion of a specific program of remedial education or treatment;
- (e) monitoring of the practice by a supervisor approved by the disciplining authority;
- (f) censure or reprimand, either public or private;
- (g) compliance with conditions of probation for a designated period of time;
- (h) payment of a fine not to exceed \$1,000 for each violation (deposited in the state general fund);
- (i) denial of a license application;
- (j) refund of costs and fees billed to and collected from a consumer.

6. You may request judicial review of a Final Order of the Board entered after consideration of a proposed decision of a hearing examiner by filing a petition in district court within 30 days of the issuance of a Final Order.

7. In lieu of a hearing, you may enter into a stipulated agreement resolving potential or pending charges that include one or more sanctions authorized by law.

DATED this 14th day of March, 2014.



Michael L. Fanning
Special Assistant Attorney General
DEPARTMENT OF LABOR & INDUSTRY