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APR 28 2015

IDAHO STATE BOARD  
OF MEDICINE

Attorneys for the Board

BEFORE THE IDAHO STATE BOARD OF MEDICINE

In the Matter of: )  
 )  
OLUROTIMI AYODELE "TIM" ASHAYE ) Case No. 2014-BOM-667  
License No. M-8639, )  
 )  
Respondent. )  
 )  
 )  
 )  
 )

STIPULATION AND ORDER

COMES NOW the Idaho State Board of Medicine, hereinafter referred to as the Board, and Olurotimi Ayodele "Tim" Ashaye, M.D., hereinafter referred to as Respondent, and stipulate and agree as follows:

I

Respondent is the holder of an Idaho license to practice medicine and surgery, License No. M-8639, issued by the Idaho State Board of Medicine on September 14, 2002. Said license is subject to the provisions of Title 54, Chapter 18, Idaho Code, commonly known as the Medical Practice Act.

## II

Based upon its own investigation, the Board has found that Respondent is prescribing an excessive amount of opioids and controlled substances without adequate monitoring or training to treat chronic pain patients. Respondent has failed to use chronic pain treatment agreements; has failed to access the Board of Pharmacy prescription drug profiles; has failed to utilize adjunctive treatment modalities; and has failed to monitor patient's drug use through urine drug testing.

## III

The acts and practices of Respondent, as alleged in Paragraph II above, may constitute violations of the Medical Practice Act in that:

- (1) Respondent may have provided health care which fails to meet the standard of health care provided by other qualified physicians in the same or similar communities, in violation of Idaho Code §54-1814(7);
- (2) Respondent may have prescribed or furnished narcotic or hallucinogenic drugs to addicted persons to maintain their addictions and level of usage without attempting to treat the primary condition requiring the use of narcotics, in violation of Idaho Code §54-1814(11); and
- (3) Respondent may have prescribed or furnished narcotic, hypnotic, hallucinogenic, stimulating or dangerous drugs for other than treatment of any disease, injury or

medical condition, in violation of Idaho Code §54-1814(12).

IV

The Board believes it has sufficient evidence to support disciplinary action based upon these allegations. Respondent denies the allegations. In order to resolve the dispute, the parties are voluntarily entering into this Stipulation and Order for the purpose of informally responding to the concerns of the Board and for the purpose of providing an acceptable procedure for dealing with the alleged problems.

V

Respondent knowingly and voluntarily waives any right to a formal hearing, to present evidence, to cross-examine witnesses, to reconsideration and appeal and to other rights accorded him pursuant to the Administrative Procedure Act and the Medical Practice Act which he might otherwise possess with respect to this Stipulation.

VI

In order to respond to these allegations, Respondent hereby stipulates and agrees that:

- (a) Within ninety (90) days of the date of this Stipulation and Order, Respondent shall reimburse the Board \$1,942.12 for its investigative costs and attorney's fees incurred herein.

- (b) Respondent shall not prescribe, administer, dispense, order, write orders for, or give verbal orders for any opioids or controlled substances for pain for any patient for any purpose, except as follows:
- (1) Respondent shall be allowed to continue to prescribe Suboxone/Subutex narcotics solely for treatment of addiction.
  - (2) Respondent may prescribe for treatment of pain for patients in hospitals where Respondent has privileges during the course of the patient's in hospital stay.
  - (3) Respondent may write bridge prescriptions for patients upon discharge from the hospital which prescriptions shall not exceed fifteen (15) days.
- (c) With respect to Respondent's treatment of patients with Suboxone/Subutex for addiction, Respondent shall fully comply with all federal regulations applicable to the use of Suboxone/Subutex.
- (d) Respondent shall obey all federal, state and local laws, and all rules governing the practice of physicians in Idaho.
- (e) In the event that Respondent should leave Idaho for three (3) continuous months, or reside or practice outside the State, Respondent must notify the Board in writing of the

dates of departure and return. Periods of time spent outside Idaho will not apply to the reduction of this period under the Stipulation and Order.

- (f) Within ten (10) days after receipt of the Order signed by the Board, Respondent shall provide all employers and partners and the Administrator and Chief of Staff at each hospital where he has privileges with a copy of this Stipulation and Order. If Respondent changes employment or applies for or obtains privileges at any other hospital, Respondent shall provide all future employers and future partners and the Administrator and Chief of Staff at each future hospital where he applies for or obtains privileges with a copy of this Stipulation and Order at the time of the application for employment or privileges, or within ten (10) days of the application. Respondent shall provide the Board with written proof of compliance with this Paragraph by providing the Board with a copy of the notice or letter when it is provided to any employer or hospital.

#### VII

The above described terms, limitations and conditions may be amended in writing at any time upon the agreement of both parties. However, this Stipulation and Order shall remain in force for a minimum of five (5) years; provided, Respondent may request termination of this Stipulation and Order after two (2) years.

VIII

If, in the discretion of the Idaho State Board of Medicine, Respondent appears to have violated or breached any terms or conditions of this Stipulation and Order, the Idaho State Board of Medicine reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Idaho occurring before the effective date of this Stipulation and Order. If Respondent fully complies with the terms and conditions of the Stipulation and Order, the Board agrees it will not initiate disciplinary action or proceedings against Respondent regarding alleged violations of the Medical Practice Act relating to pain management occurring before the effective date of the Stipulation and Order.

IX

Any action initiated by the Board based on alleged violations of this Stipulation and Order shall comply with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, the Medical Practice Act and the Rules of Practice and Procedure of the Board, Respondent shall not be entitled to and hereby waives any right or opportunity to appear before the Committee on Professional Discipline prior to the initiation of any enforcement proceedings.

X

Respondent agrees to execute the Release attached hereto as Exhibit A releasing the Idaho State Board of Medicine, the

Committee on Professional Discipline of the Idaho State Board of Medicine, their members, employees, agents, officers, representatives, attorneys, consultants and witnesses, jointly and severally, from any and all liability arising from their participation or involvement in the Board's investigation of Respondent and in the prosecution of this disciplinary proceeding.

XI

This Stipulation and Order shall be considered a public record and shall be reported to the National Practitioner Data Bank. This Stipulation and Order shall become effective upon the last date of signature below.

XII

Respondent further agrees to execute the Release attached hereto as Exhibit B authorizing any person or entity having information relevant to Respondent's compliance with the provisions of this Stipulation and Order to release such information to the Board.

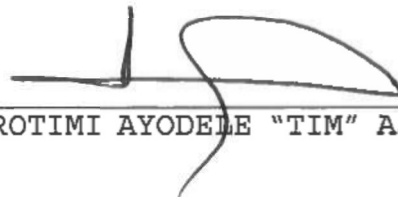
DATED This 27 day of April, 2015.

IDAHO STATE BOARD OF MEDICINE



ROBERT WARD, M.D.  
Chairman

DATED This \_\_\_ day of April, 2015.



OLUROTIMI AYODELE "TIM" ASHAYE, M.D.

ORDER

Pursuant to Idaho Code §§54-1806(A)(6)(c) and 54-1806(A)(8), the Board hereby accepts the terms and conditions of the foregoing Stipulation and it is hereby ordered that Respondent comply with said terms and conditions. Based upon the foregoing, further formal proceedings will be waived.

DATED This 21 day of April, 2015.

IDAHO STATE BOARD OF MEDICINE



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ROBERT WARD M.D.  
Chairman



## RELEASE AGREEMENT

In consideration of the informal resolution of the pending disciplinary action by the Idaho State Board of Medicine, which is hereby acknowledged, the undersigned, OLUROTIMI AYODELE "TIM" ASHAYE, M.D., being of lawful age, does hereby release, acquit and forever discharge the Idaho State Board of Medicine, the Committee on Professional Discipline of the Idaho State Board of Medicine, and their members, employees, agents, officers, representatives, attorneys, consultants and witnesses, jointly and severally, from any and all known and unknown, foreseen and unforeseen, claims, actions, causes of action, demands, rights, injuries, damages, costs, loss of service, expense and compensation whatsoever which the undersigned now has or which may hereafter accrue on account of or in any way growing out of or resulting or which may result from the Board's investigation and disciplinary proceedings regarding Dr. Ashaye.

It is understood and agreed that this settlement is the compromise of a disputed claim, and that the settlement made is not to be construed as an admission of liability on the part of the parties hereby released, and that said releasees deny liability therefor and intend merely to avoid litigation and buy their peace.

The undersigned hereby declares and represents that in making this release it is understood and agreed that the undersigned relies wholly upon undersigned's judgment, belief and knowledge of the nature, extent, effect and duration of any damages and liability therefor and is made without reliance upon any statement or representation of the parties released or their representatives or by anyone employed by them.

The undersigned further declares and represents that no promise, inducement or agreement not herein expressed has been made to the undersigned, and that this release and the Stipulation and Order contain the entire agreement between the parties hereto, and that the terms of this release are contractual and not a mere recital.

THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.

  
OLUROTIMI AYODELE "TIM" ASHAYE, M.D.

STATE OF IDAHO )  
 )  
 ) :ss  
County of Ada )

On this 6 day of April, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared OLUROTIMI AYODELE "TIM" ASHAYE, M.D., known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kay Lynn Moorhouse  
NOTARY PUBLIC FOR Idaho  
Residing at: Boise  
My Commission Expires: 9/6/18



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IDAHO STATE BOARD  
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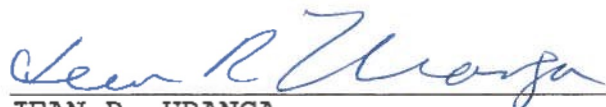
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OLUROTIMI ADODELE "TIM" ASHAYE)	)	
License No. M-8639,	)	
	)	<b>CERTIFICATE OF SERVICE</b>
Respondent.	)	
_____	)	

I HEREBY CERTIFY That on the 28<sup>th</sup> day of April, 2015, I served a true and correct copy of the STIPULATION AND ORDER entered by the Board on April 21, 2015, upon the Respondent by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to:

Kevin J. Scanlan  
Attorney at Law  
Duke Scanlan Hall  
P.O. Box 7387  
Boise, Idaho 83707

  
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JEAN R. URANGA