

**TRUE AND EXACT  
COPY OF ORIGINAL**

**BEFORE THE MINNESOTA  
BOARD OF MEDICAL PRACTICE**

In the Matter of the  
Medical License of  
Pastor Colon, M.D.  
Date of Birth: 7/6/1939  
License No.: 22,830

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Pastor Colon, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by David P. Bunde, Fredrikson & Byron, 200 South Sixth Street, Suite 4000, Minneapolis, Minnesota 55402-1425, telephone (612) 492-7000. The Committee was represented by Stephen B. Masten, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

**FACTS**

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on August 20, 1976. Respondent is also licensed in the State of Wisconsin. Respondent is board-certified in psychiatry.

b. In October 2007, the Board received a report alleging that Respondent had hugged and kissed a female patient, in a sexual manner, during the patient's clinic appointment at a mental health treatment center. The Board subsequently initiated an investigation by the Minnesota Attorney General's Office into Respondent's conduct with the patient during her clinic visits in 2007.

c. The patient, a 45-year-old female, began treatment with Respondent in September 2005, and returned about every three months for medication management. In February 2007, the patient was admitted to a residential chemical dependency treatment program.

d. On March 9, 2007, the patient returned to Respondent for her quarterly medication management appointment. Respondent noted that the patient had relapsed to chemical usage and requested that the patient return for her subsequent clinic appointments on a monthly, rather than quarterly, basis.

e. On June 28, 2007, at about 4:45 p.m., the patient returned to Respondent for her monthly medication management appointment. As the patient was leaving the medication room, Respondent hugged and kissed the patient in a way interpreted by the patient as intimate. Later that evening, the patient reported the contact to local law enforcement, which she interpreted as inappropriate and sexual.

f. On February 21, 2008, Respondent was interviewed by an investigator from the Attorney General's Office and confirmed providing medication management for the

patient from September 2005 through June 28, 2007. Respondent acknowledged the patient's clinic appointment on June 28, 2007, and admitted giving the patient a hug and a "spontaneous peck on the lips" while in the clinic's medication room. Respondent denied any sexual intent. Respondent also denied kissing other patients, but admitted that he had previously hugged another patient.

g. On June 12, 2008, Respondent appeared before the Complaint Review Committee and admitted engaging in inappropriate behavior with the patient. Respondent apologized for making the patient uncomfortable and expressed his intention to avoid any inappropriate contact with his patients in the future.

#### **STATUTES**

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g) and (k) (2006), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

#### **REMEDY**

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further Order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an Order conditioning Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

- a. Respondent is **REPRIMANDED**.
- b. Respondent shall not engage in conduct which is sexual or may reasonably be interpreted by the patient as sexual.

c. Respondent shall successfully complete, within six months of the date of this Order, a pre-approved course in professional boundaries training. Successful completion shall be determined by the Board or its designee.

d. Respondent shall meet on a quarterly basis with a designated Board member or other Board designee. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member or Board designee. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings is to review Respondent's progress under the terms of this Stipulation and Order.

e. Respondent shall pay a civil penalty of \$880.00.

f. This Stipulation and Order shall remain in effect for a minimum of one year. At the end of this period, Respondent may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Robert A. Leach, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, including timely submission of required reports, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.


At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

9. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

11. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Dated: 9-25-08

  
\_\_\_\_\_  
PASTOR COLON, M.D.  
Respondent

Dated: 11/8/08

  
\_\_\_\_\_  
FOR THE COMMITTEE

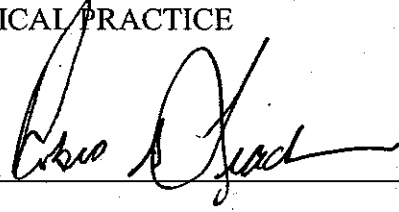
**ORDER**

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 8th day of November, 2008.

MINNESOTA BOARD OF  
MEDICAL PRACTICE

By: \_\_\_\_\_



AG: #2271269-v1

**AFFIDAVIT OF SERVICE BY MAIL**


**Re: In the Matter of the Medical License of Pastor Colon, M.D.  
License No: 22,830**

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF RAMSEY    )

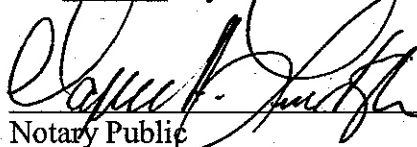
Dawn Christensen, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on November 10, 2008, she served the attached **STIPULATION AND ORDER** by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to:

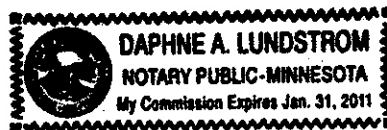
David P. Bunde  
Fredrikson & Byron, PA  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota 55402

  
\_\_\_\_\_  
Dawn Christensen

Subscribed and sworn to before me  
this 10th day of November 2008.

  
\_\_\_\_\_  
Notary Public

AG: #2339148-v1





**TRUE AND EXACT  
COPY OF ORIGINAL**

**BEFORE THE MINNESOTA**

**BOARD OF MEDICAL PRACTICE**

In the Matter of the  
Medical License of  
Pastor Colon, M.D.  
Date of Birth: 7/6/1939  
License Number: 22,830

**ORDER OF  
UNCONDITIONAL LICENSE**

The Minnesota Board of Medical Practice ("Board"), having convened on November 14, 2009, to review the petition of Pastor Colon, M.D. ("Respondent"), for reinstatement of an unconditional license to practice medicine and surgery makes the following:

**FINDINGS OF FACT**

1. Respondent's medical license has been conditioned and restricted pursuant to a Stipulation and Order dated November 8, 2008 ("Order"), which was based upon Respondent's unprofessional and unethical conduct. In accordance with the Order, Respondent was reprimanded and required, in part, to successfully complete appropriate coursework in professional boundaries, refrain from engaging in conduct which is sexual or may reasonably be interpreted by the patient as sexual, meet with a designated Board member on a quarterly basis, and pay a civil penalty of \$880.00.

2. On October 15, 2009, the Board received a written petition from Respondent for consideration of an unconditional license.

3. On November 12, 2009, the Complaint Review Committee met to discuss Respondent's petition for reinstatement of an unconditional license. The Committee concluded that Respondent had complied with the terms and conditions imposed on his license and

recommended that the Board issue an unconditional license to practice medicine and surgery in the State of Minnesota.

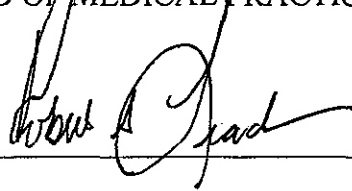
4. Based on the foregoing, the Board concludes that Respondent has complied with and fulfilled the Order issued by the Board on November 8, 2008, and hereby issues the following:

**ORDER**

IT IS HEREBY ORDERED that an unconditional license to practice medicine and surgery in the State of Minnesota be conferred upon Respondent, such license to carry all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated: November 14, 2009

STATE OF MINNESOTA  
BOARD OF MEDICAL PRACTICE



Robert A. Gaud

AG: #2541689-v1

**AFFIDAVIT OF SERVICE BY MAIL**

**Re: In the Matter of the Medical License of Pastor Colon, M.D.  
License No: 22,830**

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF RAMSEY     )

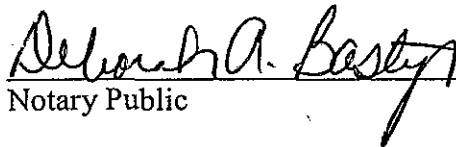
Dawn Christensen, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on November 16, 2009, she served the attached **ORDER OF UNCONDITIONAL LICENSE** by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to:

David P. Bunde  
Fredrikson & Byron, PA  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota 55402

  
Dawn Christensen

Subscribed and sworn to before me  
this 16th day of November 2009.

  
Notary Public

