

Oregon Medical Board
BOARD ACTION REPORT
April 16, 2008 – May 15, 2008

The information contained in this report summarizes new interim and final actions taken by the Oregon Medical Board between **April 16, 2008 - May 15, 2008**.

Scanned copies of Interim Stipulated Orders, Orders of Emergency Suspension, Stipulated Orders, Final Orders, Termination Orders, Modification Orders and Voluntary Limitations are included at the end of this report in the order that they appear in the report. These orders are marked with an * asterisk. **Scanned copies of Corrective Action Orders are not posted as they are not disciplinary action and impose no practice limitations.** Complaint and Notices of Proposed Disciplinary Action are not listed in this report as they are not final actions by the Board. Both Orders, however, are public and are available upon request as described below.

Printed copies of the Board Orders listed below are available to the public. To obtain a printed copy of a Board Order, please complete a [service request form](#) on the Board's web site, submit it with the \$10.00 fee *per licensee* and mail to:

**Oregon Medical Board
1500 SW 1st Ave, Ste 620
Portland, OR 97201**

Copies of the Orders listed below are mailed to Oregon hospitals where the Licensee had self-reported that he/she has privileges.

***GUERREIRO, John Palma, MD; MD26933; Portland, OR**

Licensee entered into an Interim Stipulated Order with the Board on May 8, 2008. In this Order Licensee agreed to the following terms pending the conclusion of the Board's investigation into Licensee's ability to safely and competently practice medicine: Will not see/treat female patients 18-years-of-age or older without a clinically trained chaperone; have no social contact with female patients or their immediate family members outside of the clinical setting; and pre-approved practice settings by the Board's Medical Director.

***JACKSON, Kathleen Anne, MD; MD17495; Cottage Grove, OR**

Licensee entered into an Interim Stipulated Order with the Board on May 8, 2008. In this Order, Licensee agreed to withdraw from practice pending the conclusion of the Board's investigation into her ability to safely and competently practice medicine. This Order became effective on April 7, 2008, the date the Licensee signed the Order.

MASLONA, Andrew Rowe, MD; MD28259; Coos Bay, OR

Licensee entered into a Corrective Action Order with the Board on April 16, 2008. In this Order, Licensee agreed to remain in good standing with the Health Professionals Program and to obtain a practice mentor who shall provide quarterly progress reports to the Board. Licensee will provide a copy of this Order to the Medical Director of any health care facility where he is employed or where he provides medical care to patients. This is not a disciplinary action.

***MATTHEWS, JAMES MICHAEL, MD; MD16811; Sherwood, OR**

Licensee entered into a Stipulated Order with the Board on May 8, 2008. In this Order Licensee agreed to the following terms: Minimum of five years probation w/quarterly reports to the Board; reprimand; no self-prescribing/medicating; may not have medication samples at any practice site; maintain compliance with the Health Professionals Program; remain under care of mental health professional; and terminates Licensee's May 8, 2007 Interim Stipulated Order.

***MAUL, Casey Jacob, PA; PA00970; Reedsport, OR**

Licensee entered into a Stipulated Order with the Board on May 8, 2008. This Order grants Licensee an active license status under the following conditions: Licensee must work under "General Supervision" as defined in OAR 847-050-0010(8)(b); Licensee may prescribe medications only to patients seen in the course of his professional practice; Board approved supervising physicians must submit quarterly reports to the Board; Licensee shall meet in person with Board approved supervising physicians; may not prescribe for family and friends; must provide a copy of this Order to all supervising physicians.

***MICK, ALFRED MARK, MD; MD07530; CLACKAMAS, OR**

The Board issued an Order Terminating Stipulated Order on April 11, 2008. This Order terminates Licensee's April 17, 2003 Stipulated Order, effective April 17, 2008.

***NEITLING, Stanley Joseph, MD; MD13059; Tillamook, OR**

Licensee entered into a Stipulated Order with the Board on May 8, 2008. In this Order Licensee agreed to surrender his Oregon medical license while under investigation.

NYQUIST, Theodore Thorsten, MD; MD18091; McMinnville, OR

The Board issued an Order Terminating Corrective Action Order on May 8, 2008. This Order terminates Licensee's August 2, 2007 Corrective Action Order.

If you have any questions regarding this service, please call the Board at (971) 673-2700 or toll-free within Oregon at (877) 254-6263.

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of

JOHN PALMA GUERREIRO, MD
LICENSE NO. MD26933

}
} INTERIM STIPULATED ORDER
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1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. John Palma Guerreiro, MD (Licensee) is a licensed physician in the state of Oregon and holds an active medical license.

2.

Licensee has a family medicine practice in the Portland Metropolitan Area, Oregon. The Board received credible information that resulted in an investigation of Licensee.

3.

In order to address the concerns of the Board, Licensee and the Board agree to the entry of this Interim Stipulated Order, which provides that Licensee shall comply with the following conditions:

3.1 Licensee will not see a female patient 18-years-of-age or older in any clinical setting without a medically trained chaperone being present throughout the course of the clinical interaction. The presence of the chaperone will be immediately documented in the patient chart.

3.2 Licensee will avoid any social contact with female patients or the immediate family member of any patient outside of the clinical setting.

3.3 Licensee's practice settings must be pre-approved by the Board's Medical Director.

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1 3.4 Licensee understands that violating any term of this Order may be grounds for
2 disciplinary action under ORS 677.190 (18).

3 3.5 Licensee understands this Order becomes effective the date he signs it.


4 4.

5 At the conclusion of the Board's investigation, the restrictions placed on Licensee will be
6 reviewed in an expeditious manner. If the Board determines, following that review, that these
7 restrictions shall not be lifted, Licensee may request a hearing to contest that decision.

8 5.

9 This order is issued by the Board pursuant to ORS 677.420 (1) for the purpose of making a
10 complete investigation in order to fully inform itself with respect to the performance or conduct of
11 the Licensee and Licensee's ability to safety and competently practice medicine. Pursuant to ORS
12 677.425, Board investigative materials are confidential and shall not be subject to public
13 disclosure, nor shall they be admissible as evidence in any judicial proceeding. However, as a
14 stipulation this Order is a public document.

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16 IT IS SO STIPULATED THIS 25th day of April, 2008.

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19 JOHN PALMA GUERREIRO, MD

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21 IT IS SO ORDERED THIS 8th day of May, 2008.

22 OREGON MEDICAL BOARD
23 State of Oregon

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24 PATRICIA SMITH, PUBLIC MEMBER
25 BOARD CHAIR
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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
KATHLEEN ANNE JACKSON, MD) INTERIM STIPULATED ORDER
LICENSE NO. MD17495)
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1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Kathleen Anne Jackson, MD (Licensee) is a licensed physician in the state of Oregon.

2.

On April 2, 2008, the Board began an investigation of Licensee after receiving a report that Licensee is out of compliance with her agreement with the Health Professionals Program. Based on this notification, the Board has concerns about the Licensee's ability to safely and competently practice medicine.

3.

In order to address the concerns of the Board, Licensee and the Board agree to the entry of this Interim Stipulated Order, which provides that Licensee shall comply with the following conditions:

3.1 Licensee voluntarily withdraws from the practice of medicine and her license is placed in Inactive status pending the completion of the Board's investigation into her ability to safely and competently practice medicine.

3.2 This Order becomes effective the date it is signed by Licensee.

3.3 Licensee understands that violating any term of this Order will be grounds for disciplinary action under ORS 677.190(18).

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4.

At the conclusion of the Board's investigation, Licensee's status will be reviewed in an expeditious manner. If the Board determines, following that review, that Licensee shall not be permitted to return to the practice of medicine, Licensee may request a hearing to contest that decision.

5.


This order is issued by the Board pursuant to ORS 677.265(2) for the purpose of protecting the public, and making a complete investigation in order to fully inform itself with respect to the performance or conduct of the Licensee and Licensee's ability to safely and competently practice medicine. Pursuant to ORS 677.425, Board investigative materials are confidential and shall not be subject to public disclosure, nor shall they be admissible as evidence in any judicial proceeding. However, as a stipulation this order is a public document.

IT IS SO STIPULATED THIS 7 day of April, 2008.


KATHLEEN ANNE JACKSON, MD

IT IS SO ORDERED THIS 8th day of May, 2008.

State of Oregon
OREGON MEDICAL BOARD


PATRICIA SMITH
Board Chair

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
JAMES MICHAEL MATTHEWS, MD) STIPULATED ORDER
LICENSE NO. MD16811)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. James Michael Matthews, MD (Licensee) is a licensed physician in the state of Oregon.

2.

The Board proposed taking disciplinary action pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a), and ORS 677.190(7) habitual or excessive use of intoxicants, drugs or controlled substances.

3.

The acts and conduct alleged to violate the Medical Practice Act are:

Licensee enrolled in a voluntary monitoring agreement with the Board's Health Professionals Program (HPP) on March 24, 2005. Over the course of the next two years, Licensee was evaluated at two highly respected multidisciplinary diagnosis and treatment centers that diagnosed Licensee as opioid dependent. Licensee disputes this diagnosis and maintains that a diagnosis of opioid abuse is accurate. Licensee's history includes self prescribing and diverting controlled substances from his practice location for his own use, to include hydrocodone cough syrup (Schedule III), as well as tramadol (Ultram), and paroxetine (Paxil). Urine drug screen tests conducted on Licensee tested positive for hydrocodone in October 2005 (associated with an unreported prescription for Vicodin after knee surgery), for morphine in

1 March 2006, and for ephedrine/phenylpropanolamine in January 2007. Licensee was discharged
2 from HPP in April 2007 for being unsuitable for continued participation in HPP due to his
3 continued denial of his substance abuse and dependence. Per ORS 677.645(2), HPP reported
4 Licensee's discharge to the Board.

5 4.

6 License and the Board desire to settle this matter by entry of this Stipulated Order.
7 Licensee understands that he has the right to a contested case hearing under the Administrative
8 Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives his
9 right to a contested case hearing and any appeal therefrom by the signing of and entry of this
10 Order in the Board's records. Licensee admits that he engaged in the conduct described in
11 paragraph 3 and stipulates that this conduct violated ORS 677.190(1)(a) unprofessional or
12 dishonorable conduct, as defined in ORS 677.188(4)(a) and ORS 677.190(7) habitual or
13 excessive use of intoxicants, drugs or controlled substances.

14 5.

15 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order,
16 subject to the following sanctions and terms of probation:

17 5.1 Licensee is reprimanded.

18 5.2 Licensee is placed on probation for a minimum of five years and shall report in
19 person to the Board at each of its quarterly meetings at the scheduled times for a
20 probation interview, unless otherwise directed by the Board.

21 5.3 Licensee will not self prescribe or self medicate.

22 5.4 Licensee is prohibited from having medication samples at any practice location
23 that he owns or supervises, to include the Sherwood Urgent Care Center. Licensee
24 will not make use of medication samples for any purpose.

25 5.5 Licensee will remain enrolled in good standing and in full compliance with the
26 Board's Health Professional's Program (HPP). Licensee will at all times maintain
27 a signed release with HPP that permits full and unrestricted communications

1 between HPP and the Board's compliance staff. Any report from HPP that
2 Licensee is noncompliant with the terms of his contract with HPP will create a
3 presumption that Licensee is not safe to practice medicine.

4 5.6 Licensee will remain under the care of a mental health care professional
5 (psychiatrist or psychologist) who is pre-approved by the Board's Medical
6 Director. The mental health care professional will monitor Licensee for the
7 duration of his probation and will submit quarterly written reports to the Board.
8 Licensee will sign the necessary releases to allow communication between the
9 Board and the mental health care professional.

10 5.7 Licensee's May 8, 2007 Interim Stipulated Order will be terminated effective the
11 date this Order is signed by the Board Chair.

12 5.8 Licensee understands that this Order is a public record and is a disciplinary action
13 that is reportable to the National Practitioner Data Bank.

14 5.9 Licensee shall obey all federal and Oregon laws and regulations pertaining to the
15 practice of medicine.

16 5.10 Licensee stipulates and agrees that any violation of the terms of this Order shall
17 be grounds for further disciplinary action under ORS 677.190(18).

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19 IT IS SO STIPULATED this 3rd day of April, 2008.

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21 
22 JAMES MICHAEL MATTHEWS, MD

23 IT IS SO ORDERED this 8th day of May, 2008.

24 OREGON MEDICAL BOARD
25 State of Oregon

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27 PATRICIA L. SMITH
Board Chair

1 Order in the Board's records. Licensee admits that he violated the Medical Practice Act as
2 alleged in paragraph 2 by violating ORS 677.190(1)(a), unprofessional or dishonorable conduct,
3 as defined in ORS 677.188(4)(a), and ORS 677.190(16) disciplinary action by another state of a
4 license to practice based upon acts by Licensee similar to acts described in the Medical Practice
5 Act, and ORS 677.190(25) prescribing controlled substances without a legitimate medical
6 purpose, without following accepted procedures for examination of patients or for record
7 keeping and without giving the required notice.

8 4.

9 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order.

10 The Board will grant Licensee an active license under the following terms and conditions:

11 4.1 Licensee shall work under "General Supervision" as defined in OAR 847-050-
12 0010(8)(b). General supervision means the supervising physician or designated agent is not on-
13 site with the physician assistant, but is available for direct communication, either in person or by
14 telephone, radio, radiotelephone, television or similar means.

15 4.2 Licensee may prescribe medications only to patients seen in the course of his
16 professional practice. Licensee shall not prescribe any medications without having a patient
17 chart located at the practice location. Licensee shall document all patient care provided in the
18 patient chart with a Subjective, Objective, Assessment, and Plan (S.O.A.P.) note or similar
19 format and shall include notations describing every medication prescribed.

20 4.3 Licensee's Board approved supervising physician at each work site shall provide
21 written quarterly reports to the Board affirming Licensee's compliance with the terms and
22 conditions of this Order and that Licensee's work is consistent with his employers' policies and
23 practices.

24 4.4 Licensee shall meet in person with each of his Board approved supervising
25 physicians to review the quality of Licensee's patient care and his compliance with the hospital
26 or medical facility practice policies.

27 4.5 Licensee shall not prescribe for a family member or relative.

1 medicine, in violation of ORS 677.190(1) (a), as defined by ORS 677.188(4) (a); and non-
2 compliance with a Board Order, in violation of ORS 677.190 (18). Licensee understands that he
3 has the right to a Contested Case hearing under the Administrative Procedures Act (Chapter
4 183), Oregon Revised Statutes and fully and finally waives the right to a Contested Case hearing
5 and any appeal therefrom by the signing of and entry of this Order in the Board's records.

6 4.

7 Licensee and the Board agree to close this investigation by entry of this Stipulated Order,
8 in which Licensee surrenders his license to practice medicine in Oregon while under
9 investigation. Licensee will abide by the following conditions:

10 4.1 By surrendering his license under investigation, Licensee understands that he will
11 not practice any form of medicine in Oregon, whether paid or volunteer, as
12 defined in ORS 677.085.

13 4.2 Licensee stipulates and agrees that any violation of the terms of this Order shall
14 be grounds for further disciplinary action under ORS 677.190 (18).

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SA 4/18/08

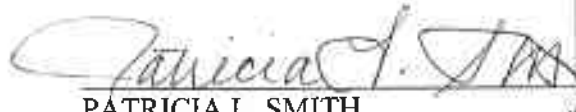
The terms of this Stipulated Order become effective on the date this Order is signed by the Board Chair. Licensee also understands that this Order is a public record and is a disciplinary action that is reportable to the National Practitioner Data Bank and the Federation of State Medical Boards.

IT IS SO STIPULATED this 18 day of April, 2008


Stanley Joseph Neitling, MD

IT IS SO ORDERED this 8th day of May, 2008

OREGON MEDICAL BOARD
State of Oregon


PATRICIA L. SMITH
Board Chair

SA 4/18/08 initials prior to Patricia L. Smith signature.