

Oregon Medical Board
BOARD ACTION REPORT
November 16, 2008 – December 15, 2008

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

***CAESAR, Richard Irwin, MD; MD12921; Eugene, OR**

The Board issued a Default Final Order on December 4, 2008. This Order revoked Licensee's Oregon medical license.

***LEE, Thomas, MD; MD23594; Portland, OR**

Licensee entered into an Interim Stipulated Order with the Board on December 4, 2008. In this Order, the Board terminated Licensee's March 27, 2008 Order of Emergency Suspension and Licensee agreed to limit his medical practice to administrative medicine until the Board concludes its current investigation.

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)
RICHARD IRWIN CAESAR, MD)
LICENSE NO. MD12921) DEFAULT FINAL ORDER
)

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. Richard Irwin Caesar, MD (Licensee) is a licensed physician in the state of Oregon.

2.

2.1 Licensee signed an Interim Stipulated Order on March 27, 2008 in which he voluntarily withdrew from the practice of medicine and was directed to undergo an evaluation at a multi-disciplinary evaluation center. On October 22, 2008, the Board issued a Complaint and Notice of Proposed Disciplinary Action [Notice] pursuant 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); ORS 677.190(7) habitual or excessive use of intoxicants, drugs or controlled substances; and ORS 677.190(24) violation of the federal Controlled Substances Act.

2.2 The Notice designated the Board's file on this matter as the record of proceedings for purposes of default and informed Licensee that failure to request a hearing within 21 days of service of the Notice or to appear at any hearing would constitute waiver of the right to a contested case hearing and result in a default order.

2.3 The Board sent the Notice to Licensee's mailing address by certified mail on October 22, 2008. Licensee replied by letter, dated November 5, 2008, to the Board that Licensee "will make no appeal, nor contest in any way the Board's decision with respect to

1 my medical license.” Licensee did not request a hearing. The Board elects in this case to
2 designate the record of proceeding, which consists of Licensee’s file with the Board, as the
3 record for purposes of proving a prima facie case.

4 NOW THEREFORE, after considering the Board’s file relating to this matter, the Board
5 enters the following Order.

6 3.

7 FINDINGS OF FACT

8 The Board makes the following findings of fact from the Board’s file pertaining to this
9 case:

10 3.1 Licensee is board certified in addiction medicine. Licensee has a long history
11 of drug dependence, treatment, relapse and noncompliance while holding a medical license in
12 Oregon. In 1990, Licensee completed intensive inpatient treatment for drug dependence at
13 Hazelden Springbrook, in Newberg, Oregon, and subsequently enrolled in the Board’s
14 Diversion Program on January 31, 1991. Licensee entered into a Stipulated Order with the
15 Board on February 6, 1995, which suspended Licensee’s medical license for illicitly using
16 Vicodin, a Schedule III controlled substance. Subsequent to the February 1995 Stipulated
17 Order, Licensee and the Board entered into a Stipulated Order of Probation on April 13, 1995,
18 in which Licensee admitted that he had engaged in the habitual or excessive use of drugs or
19 controlled substances (Vicodin) after completing inpatient treatment at Hazelden Springbrook
20 and entering the Board’s Diversion Program on January 31, 1991. This Order placed
21 Licensee on probation for ten years, restricted his practice to emergency medicine, and
22 required him to participate in a drug treatment program. On October 18, 1999, the Board
23 received information that Licensee had relapsed by obtaining prescriptions (Fentanyl, a
24 Schedule II controlled substance) for his personal use by utilizing false or fictitious names,
25 which violated the terms of this Stipulated Order of Probation. On April 21, 2000, Licensee
26 entered into a Stipulated Order with the Board, in which the Board agreed to reinstate his
27 medical license while Licensee agreed to abstain from any mood altering substances, to limit

1 his practice to administrative medicine, to affiliate with the Board's Health Professionals
2 Program (HPP) and to undergo random urine testing. The Board terminated this Stipulated
3 Order on July 9, 2004. Licensee subsequently became the Medical Director of Serenity Lane,
4 a drug and alcohol treatment facility in Eugene, Oregon, and continued in that position for a
5 number of years until he resigned on February 8, 2008, after submitting to a screening test for
6 controlled substances. The Board subsequently opened an investigation into Licensee's
7 conduct and found that Licensee had inappropriately obtained and consumed controlled
8 substances.

9 3.2 Beginning in December 2007, while serving as Medical Director of Serenity
10 Lane, Licensee used oral opiates (Vicodin) without medical justification. Licensee had
11 unlawfully obtained this DEA Schedule III controlled substance by ordering and purchasing it
12 over the Internet. Licensee began to exhibit changes in behavior at the workplace. On or
13 about February 8, 2008, Licensee was asked by his employer to undergo a drug screening test.
14 The following day, Licensee admitted to having relapsed and resigned from his position.
15 Licensee subsequently surrendered his DEA registration. On February 20, 2008, Licensee
16 began buprenorphine maintenance therapy pursuant to a treatment plan approved by HPP to
17 support his efforts to achieve sobriety. Licensee denies using buprenorphine (Schedule III)
18 prior to this time.

19 3.3 Contrary to Licensee's assertion that he had not used buprenorphine prior to
20 February 20, 2008, the Board learned that Licensee underwent a drug screening test on about
21 February 11, 2008, which tested positive for buprenorphine. This test result indicates that
22 Licensee self medicated with buprenorphine without medical justification prior to enrolling in
23 HPP. Licensee has demonstrated himself to be an unreliable historian in regard to his use of
24 controlled substances.

25 3.4 Licensee underwent a drug screening test on June 27, 2008, which tested
26 positive for fentanyl (one of his drugs of choice). Licensee's subsequent explanation was that
27 he had undergone a colonoscopy on June 25, 2008, and did not think it necessary to provide

1 prior notice to HPP that he would be undergoing a medical procedure that necessitated
2 conscious sedation (fentanyl). Licensee's explanation is unsatisfactory. Licensee knew from
3 the terms of his enrollment contract with HPP and from his long experience and training as an
4 addiction medicine specialist that it is necessary to inform a monitoring or treatment center
5 prior to undergoing a medical procedure and to obtain approval for the means of sedation.

6 4.

7 CONCLUSIONS OF LAW

8 4.1 Licensee's conduct breached well recognized standards of ethics of the
9 medical profession and other applicable statutes, in violation of ORS 677.190(1)(a)
10 unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) and ORS
11 677.190(7) habitual or excessive use of intoxicants, drugs or controlled substances.

12 4.2 Licensee's illicit use of Vicodin that began in December of 2007 and his self
13 medication with buprenorphine in early February 2008 violated the federal Controlled
14 Substances Act, ORS 677.190(24).

15 4.3 The Board has repeatedly sought to facilitate Licensee's rehabilitation and
16 recovery from addiction through previous stipulated orders. Licensee's conduct as set forth
17 above indicates that the benefit to the public by his continued practice is outweighed by the
18 risk he poses to the public.

19 4.4 The Board, therefore, concludes that based upon its examination of the record
20 in this case, that each alleged violation of the Medical Practice Act is supported by reliable,
21 probative and substantial evidence.

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5.

ORDER

IT IS HEREBY ORDERED THAT the license of Richard Irwin Caesar, MD, to practice medicine in the state of Oregon is revoked.

DATED this 4th day of December, 2008.

OREGON MEDICAL BOARD
State of Oregon

Signature Redacted on Copies

PATRICIA L. SMITH
BOARD CHAIR

Right to Judicial Review

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.482. If this Order was personally delivered to you, the date of service is the day it was mailed, not the day you received it. If you do not file a petition for judicial review within the 60 days time period, you will lose your right to appeal.

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
THOMAS LEE, MD) INTERIM STIPULATED ORDER
LICENSE NO. MD23594)
)

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. Thomas Lee, MD (Licensee) is a licensed physician in the state of Oregon.

2.

Licensee practices obstetrics and gynecology in the Portland metropolitan area and has privileges at multiple hospitals. On March 27, 2008, the Board suspended the license of Licensee to practice medicine on an emergency basis after his arrest and indictment in Washington County, Oregon, on multiple charges of unlawful sexual penetration and sexual abuse in regard to two children. Licensee underwent a criminal trial in Washington County Circuit Court (in the matter of State of Oregon v. Thomas Lee, Case No. C-080775-CR). On November 14, 2008, the jury issued a verdict of "not guilty" in regard to all criminal charges. This matter remains under investigation by the Board.

3.

Licensee would like to return to his medical practice. The Board, concurrent with approval of this Order, hereby terminates the Order of Emergency Suspension. 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's Oregon medical license is limited to the practice of administrative medicine until the Board concludes its investigation. With this restriction, Licensee may not

1 examine, care for or treat patients; but may advise organizations, both public and private, on
2 healthcare matters; authorize and deny financial payments for care; organize and direct research
3 programs; review care provided for quality; and other similar duties that do not require direct
4 patient care.

5 3.2 Licensee understands that violating any term of this Order will be grounds for
6 disciplinary action under ORS 677.190 (18).

7 4.

8 At the conclusion of the Board's investigation, the Board will decide whether to close the
9 case or to proceed to some form of disciplinary action. If the Board determines, following that
10 review, that this limitation of license shall not be lifted, Licensee may request a hearing to contest
11 that decision.

12 5.

13 This order is issued by the Board pursuant to ORS 677.420 (1) for the purpose of making a
14 complete investigation in order to fully inform itself with respect to the performance or conduct of
15 the Licensee and Licensee's ability to safety and competently practice medicine. Pursuant to ORS
16 677.425, Board investigative materials are confidential and shall not be subject to public
17 disclosure, nor shall they be admissible as evidence in any judicial proceeding. However, as a
18 stipulation this Order is a public document. This Order becomes effective the date it is signed by
19 the Board Executive Director.

20 IT IS SO STIPULATED THIS 21 day of November, 2008.

21 Signature Redacted on Copies _____

22
23 IT IS SO ORDERED THIS 4th day of December, 2008.

24 OREGON MEDICAL BOARD

24 Signature Redacted on Copies

25 PATRICA L. SMITH
26 BOARD CHAIR