

Oregon Medical Board
BOARD ACTION REPORT
November 16, 2009 – December 15, 2009

The information contained in this report summarizes new, interim, and final actions taken by the Oregon Medical Board between **November 16, 2009 – December 15, 2009**.

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/Corrective Action Agreements 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.

***BALDWIN, Stanley, Sherman, MD; MD08793; Springfield, OR**

Licensee entered into a Stipulated Order with the Board on December 3, 2009. In this Order Licensee agreed to a reprimand, \$10,000 fine, and 100 hours of community service.

***CAHN, Paul, Jeffrey, MD; MD19037; Beaverton, OR**

Licensee entered into an Interim Stipulated Order with the Board on November 30, 2009. In this Order Licensee agreed to withdraw from practice pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

***CAMPBELL, David, Douglas, MD; MD14033; West Linn, OR**

Licensee entered into a Stipulated Order with the Board on December 3, 2009. In this Order, Licensee is reprimanded and retires his license while under investigation by the Board. Licensee understands and stipulates that his retirement from the practice of medicine is permanent, and that he will never apply for a medical license in Oregon.

***DUKE, David, John, MD; MD17195; Springfield, OR**

Licensee entered into a Stipulated Order with the Board on December 3, 2009. In this Order Licensee agreed to a reprimand, \$10,000 fine, and 100 hours of community service.

***GLOVER, Warren, Maywood, Jr., MD; MD16408; Springfield, OR**

Licensee entered into a Stipulated Order with the Board on December 3, 2009. In this Order Licensee agreed to a reprimand, \$10,000 fine, and 100 hours of community service.

***HICKS, Richard, Eldon, MD; MD09954; Eugene, OR**

Licensee entered into a Stipulated Order with the Board on December 3, 2009. In this Order Licensee agreed to a reprimand, \$10,000 fine, and 100 hours of community service.

***INOUYE, Allan, Ames, MD; MD17377; North Bend, OR**

The Board issued an Order Terminating Interim Stipulated Order on December 3, 2009. This Order terminated Licensee's May 27, 2009 Interim Stipulated Order and returned Licensee to active practice.

SIMANTS, Erin, Michelle, LAc; AC140889; Portland, OR

The Board issued an Order Terminating Corrective Action Agreement on December 7, 2009. This Order terminates Licensee's October 29, 2009 Corrective Action Agreement.

***YANKEE, Joseph, Earl, DO; DO19458; Milwaukie, OR**

Licensee entered into an Interim Stipulated Order with the Board on November 17, 2009. In this Order Licensee agreed to withdraw from practice pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

***YANKEE, Joseph, Earl, DO; DO19458; Milwaukie, OR**

The Board issued an Order Terminating Interim Stipulated Order on December 3, 2009. This Order terminates Licensee's November 17, 2009 Interim Stipulated Order.

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
STANLEY SHERMAN BALDWIN, MD) STIPULATED ORDER
LICENSE NO. MD08793)

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. Stanley Sherman Baldwin, MD (Licensee) is a physician licensed to practice medicine in the state of Oregon.

2.

In a Complaint and Notice of Proposed Disciplinary Action, dated February 9, 2009, 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 conduct as defined in ORS 677.188(4)(a).

3.

Licensee is a cardiovascular surgeon who formerly practiced in Eugene, Oregon. The Board opened an investigation after learning of a federal investigation into the billing practices of the Cardiovascular Surgical Associates, Inc. (CVSA), together with Licensee and three other former CVSA shareholders (David Duke, MD, Warren Glover, MD, and Richard Hicks, MD, hereinafter Defendants). In December 2007, Licensee and Defendants subsequently voluntarily entered into a Settlement Agreement with the United States, acting through the U.S. Department of Justice, other federal agencies, and the State of Oregon, acting through the Department of Justice. This Settlement Agreement reflects that the United States had alleged that Licensee, the Defendants and the CVSA, had submitted claims for payment for a CVSA surgeon serving as

1 first assistant at surgery, when it was not medically necessary to have a second surgeon present
2 in the operating room. Licensee and the Defendants denied any alleged wrongdoing, but agreed
3 to pay \$2,500,000 to the United States to satisfy the civil claims. The corporate parent of
4 CVSA, which by then was a dormant corporation, entered into a plea of guilty to a single
5 misdemeanor and agreed to pay \$500 in fines and to be permanently excluded from Medicare,
6 Medicaid, and all other Federal health care programs in connection therewith. Licensee and the
7 Defendants were not excluded from such programs, and Licensee has provided services to
8 Medicare, Medicaid and all other Federal healthcare programs' beneficiaries continuously until
9 he decided to cease the active practice of medicine. The acts and conduct alleged to violate the
10 Medical Practice Act follow:

11 Between January 1, 1993 and November 1, 2004, Licensee, as a shareholder of the CVSA,
12 engaged in the following pattern of conduct: In many scheduled cardiovascular surgical cases, one
13 CVSA shareholder would serve as the primary surgeon while either Licensee or another CVSA
14 surgeon, who was not the scheduled primary surgeon in the case, would make an appearance in the
15 operating room, scrub in and participate or observe for a period of at least 5 to 30 minutes, then
16 leave the operating room. Nevertheless, CVSA would bill the patient (or his or her insurer) for the
17 second surgeon as assistant. And for each surgery, an appropriately qualified physician assistant
18 (or on occasion, a registered nurse) also performed the duties of assistant at surgery, and, if
19 billable, was billed as a second assistant. Some payors, including Medicaid, paid for only one
20 assistant at surgery and at a set amount regardless of the assistant's licensure. In particularly
21 difficult cases, in cases where there was a complication, or for the cases of a new CVSA surgical
22 associate, the participation of Licensee or another CVSA surgeon in the operating room as an
23 Assistant at Surgery was routinely active and covered all critical portions of the surgical procedure.
24 There were many times in which the appearances by Licensee in the operating room as an assistant
25 at surgery were not medically necessary or the medical necessity of the work performed, if any,
26 was not adequately documented in violation of medical ethics.

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Page 2 - STIPULATED ORDER - Stanley Sherman Baldwin, MD

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4.

Licensee and the Board desire to settle this matter by entry of this Stipulated Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. Licensee denies any improper conduct or violation of medical ethics. Without a contested case hearing and for purposes of imposing the sanctions and conditions below, the Board finds that Licensee engaged in the conduct described in paragraph 3 and that this conduct violated ORS 677.190(1)(a) unprofessional conduct, as defined in ORS 677.188(4)(a). Licensee understands that this Order is a public record and is reportable to the National Practitioner Databank.

5.

Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order subject to the following sanctions and conditions:

- 5.1 Licensee is reprimanded.
- 5.2 Licensee is fined \$10,000 to be paid within 90-days from the date this Order is signed by the Board Chair.
- 5.3 Licensee must complete 100 hours of community service within the next 12 months. The community service must be pre-approved by the Board's Compliance Officer.
- 5.4 Licensee shall obey all federal and Oregon State laws and regulations pertaining to the practice of medicine.

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1 5.5 Licensee stipulates and agrees that any violation of the terms of this Order shall
2 be grounds for further disciplinary action under ORS 677.190(18).

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4 IT IS SO STIPULATED this 24 day of November, 2009.

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6 Signature Redacted on Copies
7 ~~STANLEY SHERMAN BALDWIN, MD~~

8
9 IT IS SO ORDERED this 3 day of December, 2009.

10 OREGON MEDICAL BOARD
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12 Signature Redacted on Copies
13 ~~DOUGLAS B. KIRKPATRICK, MD~~
14 Board Chair
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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
PAUL JEFFREY CAHN, MD) INTERIM STIPULATED ORDER
LICENSE NO. MD19037)
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1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain healthcare providers, including physicians, in the state of Oregon. Paul Jeffrey Cahn, MD (Licensee) is a licensed physician in the state of Oregon.

2.

On November 30, 2009, the Board received credible information regarding Licensee that resulted in the Board initiating an investigation. The results of the Board's investigation to date have raised concerns to the extent that the Board believes it necessary that Licensee agree to cease the practice of medicine until the investigation is completed.

3.

In order to address the concerns of the Board, Licensee and the Board agree to enter into this Interim Stipulated Order, which provides that Licensee shall comply with the following conditions effective the date this Order is signed by Licensee:

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

3.2 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. Following that review, if the Board determines 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(1) and (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 30th day of November, 2009.

Signature Redacted on Copies

PAUL JEFFREY CAHN, MD

IT IS SO ORDERED THIS 30th day of November, 2009.

State of Oregon
OREGON MEDICAL BOARD

Signature Redacted on Copies

KATHLEEN HALEY, JD *J*
EXECUTIVE DIRECTOR

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
DAVID DOUGLAS CAMPBELL, MD) STIPULATED ORDER
LICENSE NO. MD14033)

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. David Douglas Campbell, 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) by issuing a Complaint and Notice of Proposed Disciplinary Action on July 28, 2009.

3.

Licensee is a family medicine physician with a practice in West Linn, Oregon. Licensee has engaged in unprofessional conduct that violated the Medical Practice Act, as set forth below:

3.1 In 2005, during the course of providing medical treatment, Licensee engaged in a professional boundary violation with an adult female patient during a clinical visit.

3.2 In 2006, during the course of providing treatment, Licensee provided a foot massage to an adult female patient without a medical purpose and in violation of professional boundaries.

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1 first assistant at surgery, when it was not medically necessary to have a second surgeon present
2 in the operating room. Licensee and the Defendants denied any alleged wrongdoing, but agreed
3 to pay \$2,500,000 to the United States to satisfy the civil claims. The corporate parent of
4 CVSA, which by then was a dormant corporation, entered into a plea of guilty to a single
5 misdemeanor and agreed to pay \$500 in fines and to be permanently excluded from Medicare,
6 Medicaid, and all other Federal health care programs in connection therewith. Licensee and the
7 Defendants were not excluded from such programs, and Licensee has provided services to
8 Medicare, Medicaid and all other Federal healthcare programs' beneficiaries continuously
9 through the present. The acts and conduct alleged to violate the Medical Practice Act follow:

10 Between January 1, 1993 and November 1, 2004, Licensee, as a shareholder of the CVSA,
11 engaged in the following pattern of conduct: In many scheduled cardiovascular surgical cases, one
12 CVSA shareholder would serve as the primary surgeon while either Licensee or another CVSA
13 surgeon, who was not the scheduled primary surgeon in the case, would make an appearance in the
14 operating room, scrub in and participate or observe for a period of at least 5 to 30 minutes, then
15 leave the operating room. Nevertheless, CVSA would bill the patient (or his or her insurer) for the
16 second surgeon as assistant. And for each surgery, an appropriately qualified physician assistant
17 (or on occasion, a registered nurse) also performed the duties of assistant at surgery, and, if
18 billable, was billed as a second assistant. Some payors, including Medicaid, paid for only one
19 assistant at surgery and at a set amount regardless of the assistant's licensure. In particularly
20 difficult cases, in cases where there was a complication, or for the cases of a new CVSA surgical
21 associate, the participation of Licensee or another CVSA surgeon in the operating room as an
22 Assistant at Surgery was routinely active and covered all critical portions of the surgical procedure.
23 There were many times in which the appearances by Licensee in the operating room as an assistant
24 at surgery were not medically necessary or the medical necessity of the work performed, if any,
25 was not adequately documented in violation of medical ethics.

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4.

License and the Board desire to settle this matter by entry of this Stipulated Order.

Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. Licensee denies any improper conduct or violation of medical ethics. Without a contested case hearing and for purposes of imposing the sanctions and conditions below, the Board finds that Licensee engaged in the conduct described in paragraph 3 and that this conduct violated ORS 677.190(1)(a) unprofessional conduct, as defined in ORS 677.188(4)(a). Licensee understands that this Order is a public record and is reportable to the National Practitioner Databank.

5.

Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order subject to the following sanctions and conditions:

5.1 Licensee is reprimanded.

5.2 Licensee is fined \$10,000 to be paid within 90-days from the date this Order is signed by the Board Chair.

5.3 Licensee must complete 100 hours of community service related to the delivery of health care to an underserved community within the next 12 months. The community service must be pre-approved by the Board's Compliance Officer.

5.4 Licensee shall obey all federal and Oregon State laws and regulations pertaining to the practice of medicine.

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1 5.5 Licensee stipulates and agrees that any violation of the terms of this Order shall
2 be grounds for further disciplinary action under ORS 677.190(18).

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4 IT IS SO STIPULATED this 20 day of NOVEMBER, 2009.

5 Signature Redacted on Copies

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8 DAVID JOHN DUKE, MD

9 IT IS SO ORDERED this 3 day of December, 2009.

10 OREGON MEDICAL BOARD
11 State of Oregon

12 Signature Redacted on Copies

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14 DOUGLAS B. KIRKPATRICK, MD
15 Board Chair

1 first assistant at surgery, when it was not medically necessary to have a second surgeon present
2 in the operating room. Licensee and the Defendants denied any alleged wrongdoing, but agreed
3 to pay \$2,500,000 to the United States to satisfy the civil claims. The corporate parent of
4 CVSA, which by then was a dormant corporation, entered into a plea of guilty to a single
5 misdemeanor and agreed to pay \$500 in fines and to be permanently excluded from Medicare,
6 Medicaid, and all other Federal health care programs in connection therewith. Licensee and the
7 Defendants were not excluded from such programs, and Licensee has provided services to
8 Medicare, Medicaid and all other Federal healthcare programs' beneficiaries continuously
9 through the present. The acts and conduct alleged to violate the Medical Practice Act follow:

10 Between January 1, 1993 and November 1, 2004, Licensee, as a shareholder of the CVSA,
11 engaged in the following pattern of conduct: In many scheduled cardiovascular surgical cases, one
12 CVSA shareholder would serve as the primary surgeon while either Licensee or another CVSA
13 surgeon, who was not the scheduled primary surgeon in the case, would make an appearance in the
14 operating room, scrub in and participate or observe for a period of at least 5 to 30 minutes, then
15 leave the operating room. Nevertheless, CVSA would bill the patient (or his or her insurer) for the
16 second surgeon as assistant. And for each surgery, an appropriately qualified physician assistant
17 (or on occasion, a registered nurse) also performed the duties of assistant at surgery, and, if
18 billable, was billed as a second assistant. Some payors, including Medicaid, paid for only one
19 assistant at surgery and at a set amount regardless of the assistant's licensure. In particularly
20 difficult cases, in cases where there was a complication, or for the cases of a new CVSA surgical
21 associate, the participation of Licensee or another CVSA surgeon in the operating room as an
22 Assistant at Surgery was routinely active and covered all critical portions of the surgical procedure.
23 There were many times in which the appearances by Licensee in the operating room as an assistant
24 at surgery were not medically necessary or the medical necessity of the work performed, if any,
25 was not adequately documented in violation of medical ethics.

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
RICHARD ELDON HICKS, MD) STIPULATED ORDER
LICENSE NO. MD09954)
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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. Richard Eldon Hicks, MD (Licensee) is a physician with an inactive license to practice medicine in the state of Oregon.

2.

In a Complaint and Notice of Proposed Disciplinary Action, dated February 9, 2009, 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 conduct as defined in ORS 677.188(4)(a).

3.

Licensee is a cardiovascular surgeon who formerly practiced in Eugene, Oregon. The Board opened an investigation after learning of a federal investigation into the billing practices of the Cardiovascular Surgical Associates, Inc. (CVSA), together with Licensee and three other former CVSA shareholders (David Duke, MD, Stanley Baldwin, MD, and Warren Glover, MD, hereinafter Defendants). In December 2007, Licensee and Defendants subsequently voluntarily entered into a Settlement Agreement with the United States, acting through the U.S. Department of Justice, other federal agencies, and the State of Oregon, acting through the Department of Justice. This Settlement Agreement reflects that the United States had alleged that Licensee, the Defendants and the CVSA, had submitted claims for payment for a CVSA surgeon serving as

1 first assistant at surgery, when it was not medically necessary to have a second surgeon present
2 in the operating room. Licensee and the Defendants denied any alleged wrongdoing, but agreed
3 to pay \$2,500,000 to the United States to satisfy the civil claims. The corporate parent of
4 CVSA, which by then was a dormant corporation, entered into a plea of guilty to a single
5 misdemeanor and agreed to pay \$500 in fines and to be permanently excluded from Medicare,
6 Medicaid, and all other Federal health care programs in connection therewith. Licensee and the
7 Defendants were not excluded from such programs, and Licensee has provided services to
8 Medicare, Medicaid and all other Federal healthcare programs' beneficiaries continuously until
9 he decided to cease the active practice of medicine. The acts and conduct alleged to violate the
10 Medical Practice Act follow:

11 Between January 1, 1993 and November 1, 2004, Licensee, as a shareholder of the CVSA,
12 engaged in the following pattern of conduct: In many scheduled cardiovascular surgical cases, one
13 CVSA shareholder would serve as the primary surgeon while either Licensee or another CVSA
14 surgeon, who was not the scheduled primary surgeon in the case, would make an appearance in the
15 operating room, scrub in and participate or observe for a period of at least 5 to 30 minutes, then
16 leave the operating room. Nevertheless, CVSA would bill the patient (or his or her insurer) for the
17 second surgeon as assistant. And for each surgery, an appropriately qualified physician assistant
18 (or on occasion, a registered nurse) also performed the duties of assistant at surgery, and, if
19 billable, was billed as a second assistant. Some payors, including Medicaid, paid for only one
20 assistant at surgery and at a set amount regardless of the assistant's licensure. In particularly
21 difficult cases, in cases where there was a complication, or for the cases of a new CVSA surgical
22 associate, the participation of Licensee or another CVSA surgeon in the operating room as an
23 Assistant at Surgery was routinely active and covered all critical portions of the surgical procedure.
24 There were many times in which the appearances by Licensee in the operating room as an assistant
25 at surgery were not medically necessary or the medical necessity of the work performed, if any,
26 was not adequately documented in violation of medical ethics.

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4.

Licensee and the Board desire to settle this matter by entry of this Stipulated Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. Licensee denies any improper conduct or violation of medical ethics. Without a contested case hearing and for purposes of imposing the sanctions and conditions below, the Board finds that Licensee engaged in the conduct described in paragraph 3 and that this conduct violated ORS 677.190(1)(a) unprofessional conduct, as defined in ORS 677.188(4)(a). Licensee understands that this Order is a public record and is reportable to the National Practitioner Databank.

5.

Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order subject to the following sanctions and conditions:

- 5.1 Licensee is reprimanded.
- 5.2 Licensee is fined \$10,000 to be paid within 90-days from the date this Order is signed by the Board Chair.
- 5.3 Licensee must complete 100 hours of community service within the next 12 months. The community service must be pre-approved by the Board's Compliance Officer.
- 5.4 Licensee shall obey all federal and Oregon State laws and regulations pertaining to the practice of medicine.

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1 5.5 Licensee stipulates and agrees that any violation of the terms of this Order shall
2 be grounds for further disciplinary action under ORS 677.190(18).

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IT IS SO STIPULATED this 25 day of Nov., 2009.

Signature Redacted on Copies

Richard Eldon Hicks, MD

IT IS SO ORDERED this 3 day of December, 2009.

OREGON MEDICAL BOARD
State of Oregon

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Signature Redacted on Copies

DOUGLAS B. KIRKPATRICK, MD
Board Chair

1 safely and competently practice medicine.

2 3.2 This Order becomes effective the date it is signed by Licensee.

3 3.3 Licensee understands that violating any term of this Order will be grounds for
4 disciplinary action under ORS 677.190(18).

5 4.

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

10 5.

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

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18 IT IS SO STIPULATED THIS 17 day of November 2009.

19 Signature Redacted on Copies
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22 IT IS SO ORDERED THIS 17 day of November, 2009.

23 State of Oregon
24 OREGON MEDICAL BOARD

25 Signature Redacted on Copies

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27 PHILIP PARSHLEY, MD
MEDICAL DIRECTOR

