

Oregon Medical Board
BOARD ACTION REPORT
August 16, 2010

The information contained in this report summarizes new, interim, and final actions taken by the Oregon Medical Board between July 16, 2010 and August 15, 2010.

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 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.

***Imperia, Paul, Steven, MD; MD17163; Medford, OR**

Licensee entered into a Stipulated Order with the Board on August 5, 2010. In this order, Licensee agreed to the following: reprimand, fine, 5 years probation, no-notice compliance audits of patient charts, requirement to meet with every surgical patient at least once after surgery for a post-operative evaluation and to follow a pre-surgical verification protocol.

***McCormick, Terence, Francis, LAc; AC00810; Portland, OR**

Licensee entered into a Stipulated Order with the Board on August 5, 2010. In this Order Licensee agreed to surrender his Oregon acupuncture license while under investigation. Licensee may not reapply for licensure for a period of three years from the effective date of this 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)
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PAUL STEVEN IMPERIA, MD) STIPULATED ORDER
LICENSE NO. MD17163)
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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. Paul Steven Imperia, MD (Licensee) holds an active license to practice medicine in the state of Oregon.

2.

Licensee is an ophthalmologist practicing in Medford, Oregon. The Board opened an investigation in regard to credible information that four patients suffered either surgical or post-operative complications associated with eye surgery performed by Licensee and that Licensee was routinely delegating post-operative follow up care of his surgical patients to his clinic staff. Those persons who were entrusted to provide this follow-up care included two optometrists and clinic staff. On May 19, 2010, the Board issued a Complaint and Notice of Proposed Disciplinary Action, in which the Board proposed taking disciplinary action against Licensee for alleged violations of the Medical Practice Act pursuant to ORS 677.205, to include: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a).

3.

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

1 Order in the Board's records. Licensee neither admits nor denies, but the Board finds that
2 Licensee engaged in the conduct set forth in paragraph 2 of this document, and that this conduct
3 violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS
4 677.188(4)(a). Licensee understands that this Order is a public record and is reportable to the
5 National Practitioner Data Bank, Healthcare Integrity and Protection Data Bank and the
6 Federation of State Medical Boards.

7 4.

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

10 4.1 Licensee is reprimanded.

11 4.2 Licensee will pay a fine of \$5,000 within 60 days from the signing of this Order
12 by the Board Chair.

13 4.3 Licensee is placed on probation for five years. Licensee will report in person to
14 the Board at each of its regularly scheduled quarterly meetings at the scheduled times for a
15 probationer interview unless ordered to do otherwise by the Board.

16 4.4 Licensee's patient charts are subject to no-notice compliance audits at the request
17 of the Board's Compliance Officer. Any audit by a Board Consultant will be paid at Licensee's
18 expense and will not exceed two audits any calendar year.

19 4.5 Recognizing that management of post-surgical care is the responsibility of the
20 operating ophthalmologist; Licensee must make every reasonable effort to schedule and meet
21 with every surgical patient at least once after the surgery for a post-operative evaluation.
22 Licensee must timely document this patient encounter in the chart.

23 4.6 Licensee has already implemented a pre-surgical verification protocol that
24 includes a timeout prior to incision (or use of a laser) to verify the identity of the patient, the
25 procedure, the surgical site, and the equipment settings. Licensee will continue to follow a
26 documented pre-surgical verification protocol that includes a time-out prior to every surgery.

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4.7 Licensee must obey all federal and Oregon state laws and regulations pertaining to the practice of medicine.

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

IT IS SO STIPULATED this 12th day of July, 2010

SIGNATURE REDACTED

PAUL STEVEN IMPERIA, MD

IT IS SO ORDERED this 5th day of August, 2010.

OREGON MEDICAL BOARD

SIGNATURE REDACTED

LISA A. CORNELIUS, DPM
Board Chair

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
TERENCE FRANCIS MCCORMICK, LAc) STIPULATED ORDER
LICENSE NO. AC00810)
)

1.
1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including acupuncturists, in the state of Oregon. Terence Francis McCormick, LAc (Licensee) holds a license to practice acupuncture 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); ORS 677.190(6), conviction of any offense punishable by incarceration in a Department of Corrections institution; ORS 677.190(7) habitual or excessive use of an intoxicant; ORS 677.190(8) fraud or misrepresentation in applying for or procuring a license to practice in this state; ORS 677.190(18) willfully violate a board regulation; and ORS 677.190(26) failure by licensee to report to the board any adverse action taken against the licensee by a governmental or law enforcement agency for acts or conduct that would constitute grounds for disciplinary action.

3.

The Board finds that Licensee engaged in the following conduct, which violated the Medical Practice Act, as follows:

- 3.1 On December 20, 1999, Licensee was convicted of driving under the influence of an intoxicant in Wabasha County, Minnesota, after having been arrested on October 27, 1999 and determined to have a blood alcohol content of .21%.

1 3.2 Although Licensee was licensed to practice acupuncture in Oregon in 2004, he
2 was also licensed to practice in the state of New York. In 2005, the medical clinic in
3 New York where Licensee practiced acupuncture was investigated by law enforcement
4 authorities for insurance billing fraud. The investigation established that Licensee knew
5 that the office manager directed healthcare providers to falsify treatment notes in support
6 of false or fraudulent claims for reimbursement under no-fault insurance laws. Licensee
7 was determined to have created a false entry in his acupuncture treatment notes that
8 would support a fraudulent claim. On February 10, 2005, Licensee was found guilty
9 pursuant to his plea of offering a false instrument in the first degree, a class E felony, and
10 falsifying business records in the second degree, a class A misdemeanor, in the state of
11 New York. Licensee faced a maximum sentence of one and a third to four years of
12 confinement. As part of his guilty plea, Licensee entered into a Plea and Cooperation
13 Agreement with the District Attorney of the county of New York, in which Licensee
14 promised to “surrender any and all licenses to perform acupuncture, including his New
15 York, New Jersey and Oregon licenses, and shall complete and file with the appropriate
16 agency license surrender forms that will be provided by the District Attorney’s Office.
17 [Licensee] shall not reapply for any acupuncture license for a period of three years.” Due
18 to his cooperation, on December 20, 2007, Licensee was allowed to withdraw his guilty
19 plea and to plead guilty to one count of Offering a False Instrument for Filing in the
20 Second Degree, a Class A misdemeanor.

21 3.3 Licensee sent a letter to the Board dated February 7, 2005, in which he informed
22 the Board that: “Effective immediately I would like to voluntarily surrender my license
23 to practice acupuncture in the State of Oregon.” Licensee did not report the criminal
24 investigation or his conviction or the terms of his sentence to the Board. As a result, the
25 Board, which was unaware of the criminal investigation and conviction in New York,
26 allowed Licensee to maintain an inactive license. In a letter to the Board dated June 3,

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1 2005, Licensee stated the following: “Due to a change in plans I am returning to practice
2 and retaining my active license. Enclosed is my practice location as well as my new
3 residence location.” As a result, the Board reactivated his license, again being unaware
4 of the criminal investigation and conviction in New York.

5 3.4 Licensee submitted an application for a license to practice in Oregon that was
6 dated April 27, 2004. He subsequently applied for routine license renewals in an
7 application dated May 2, 2006, and an application dated April 12, 2008. Licensee admits
8 that he provided the answers as stated below to the following questions in his applications
9 for licensure, and the Board finds that his answers were untruthful:

- 10 a. The 2004 application, Category I, Question #7 asked: “Have you ever
11 been convicted of a felony or misdemeanor?” Licensee answered “no”.
- 12 b. The 2004 application Category II, Question #4 asked: “Within the past 5
13 years, have you engaged in the excessive or habitual use of alcohol or
14 illegal drugs, or received any in-patient therapy/treatment or been
15 hospitalized for alcoholism, or illegal drug use, or been arrested for a DUII
16 (Driving Under the Influence of Intoxicants) or DWI (Driving While
17 Intoxicated)?” Licensee answered “no”.
- 18 c. The 2006 license renewal application, Category I, Question #5 asked
19 during the period of 7/1/04 to the present (5/2/06): “Have you been
20 convicted of a felony or misdemeanor in any state?” Licensee answered
21 “no”.
- 22 d. The 2006 license renewal application, Category I, Question #6 asked
23 during the period of 7/1/04 to the present (5/2/06): “Have you ever been
24 or are you currently the subject of any criminal or civil investigation?”
25 Licensee answered “no”.

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1 e. The 2008 license renewal application, Category I, Question #5 asked
2 during the period of 7/1/06 to the present (4/12/08): "Have you been
3 arrested, convicted of, or pled guilty or "nolo contendere" to ANY offense
4 in the United States or any foreign country, other than minor traffic
5 violations, or a substance use related offense which has been evaluated by
6 the Oregon Health Professionals Program and you are in compliance with
7 their recommendations? Licensee answered "no."

8 f. The 2008 license renewal application, Category I, Question #11 asked
9 during the period of 7/1/06 to the present (4/12/08): "Have you been
10 contacted by or asked to make a response to any governmental agency in
11 any jurisdiction regarding any criminal or civil investigation of which you
12 are the subject, whether or not a charge, claim or filing with a court
13 actually occurred?" Licensee answered "no".

14 3.5 In 2009, the Board learned that Licensee (through his company "Alliance
15 Acupuncture, LLC) was advertising job positions for "Acupuncture Assistants" at clinics
16 in Portland and Seattle. The positions required applicants to first complete a course (with
17 an enrollment fee of \$149) as a prerequisite to establishing their eligibility for a job.
18 Licensee labelled the course as the "Acupuncture Assistance Certification Program."
19 This program was ostensibly sponsored by the "National Acupuncture Assistant
20 Certification Council (NAACC)." The NAACC was a paper organization without
21 authority or standing that was created and promoted by Licensee as part of a misleading
22 marketing scheme.

23 3.6 On April 25, 2009, Licensee was observed driving in an erratic fashion.
24 Responding to the scene, a Marion County Deputy Sheriff determined that Licensee
25 appeared to be intoxicated. Licensee was unable to perform any field sobriety tests and
26 admitted to having consumed about 9 beers. Licensee was subsequently arrested and
27 cited for driving under the influence of an intoxicant (DUI) and refusing a breathalyzer in

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1 Marion County, Oregon. Licensee was convicted of DUI on June 22, 2009. Licensee
2 failed to report to the Board within 10 days of his arrest, citation, and conviction for DUI,
3 as required by ORS 677.415(4) and OAR 847-001-0073(1).

4 4.

5 Licensee and the Board agree to settle this matter and close this investigation with the
6 entry of this Stipulated Order. Licensee surrenders his license under investigation, consistent
7 with the terms of this Order. Licensee neither admits or denies but the Board finds that
8 Licensee's conduct described in paragraph 3 violated ORS 677.190(1)(a) unprofessional or
9 dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(6), conviction of any
10 offense punishable by incarceration in a Department of Corrections institution; ORS 677.190(7)
11 impairment; ORS 677.190(8) fraud or misrepresentation in applying for or procuring a license to
12 practice in this state; ORS 677.190(17) willfully violate a board regulation; and ORS
13 677.190(25) failure by licensee to report to the board any adverse action taken against the
14 licensee by a governmental or law enforcement agency for acts or conduct that would constitute
15 grounds for disciplinary action. Licensee understands that he has the right to a contested case
16 hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes and
17 fully and finally waives the right to a contested case hearing and any appeal therefrom by the
18 signing of and entry of this Order in the Board's records. Licensee understands that this
19 document is a public record and is reportable to the National Practitioners Data Bank and the
20 Healthcare Integrity and Protection Data Bank and the Federation of State Medical Boards.

21 5.

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

24 5.1 Licensee surrenders his license to practice acupuncture while under investigation.

25 This surrender of license becomes effective the date the Board Chair signs this Order.

26 5.2 Licensee may apply for licensure three years after the date this Order is signed by
27 the Board Chair.

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1 5.3 Licensee stipulates and agrees that any violation of the terms of this Order would
2 be grounds for further disciplinary action under ORS 677.190(17).
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4 IT IS SO STIPULATED this 16th day of July, 2010.

5 *SIGNATURE REDACTED*

6 TERENCE FRANCIS MCCORMICK, LAc.
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9 IT IS SO ORDERED this 5th day of August, 2010.

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11 OREGON MEDICAL BOARD
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13 *SIGNATURE REDACTED*

14 LISA A. CORNELIUS, DPM
15 BOARD CHAIR
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