

Oregon Medical Board
BOARD ACTION REPORT

November 15, 2015

Amended on 11/24/15

The information contained in this report summarizes new, interim, and final actions taken by the Oregon Medical Board between October 16, 2015, and November 15, 2015.

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 Consent 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.

Printed copies of the Board Orders not provided with this report are available to the public. To obtain a printed copy of a Board Order not provided in this report, please complete the License Verification and Malpractice Report Request (<http://www.oregon.gov/OMB/ombforms1/request-licensee-info-verification.pdf>) found under the Forms link 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.

Cleary, Kathryn Ellen, LAc; AC00729; Portland, OR

On November 12, 2015, Applicant entered into a Consent Agreement with the Board. In this Agreement, Applicant agreed to complete a 20-hour mentorship with a Board-approved clinical supervisor.

Mitchell, Jennifer Kron, MD; MD173972; Bend, OR

On November 10, 2015, Applicant entered into a Consent Agreement with the Board. In this Agreement, Applicant agreed to practice under the supervision of a pre-approved mentor for six months, to include chart review and reports to the Board by the mentor.

***Sarver, Patrick John, MD; MD25942; Springfield, OR**

On November 15, 2015, Licensee entered into an Interim Stipulated Order to voluntarily cease the prescribing of all scheduled controlled substances for the treatment of chronic pain pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

***Wilbur, Benjamin Stuart, MD; MD161394; Portland, OR**

On November 4, 2015, Licensee entered into an Interim Stipulated Order to voluntarily withdraw from practice and place his license in Inactive status pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

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.

1 (MED) per day. In addition, Licensee must not combine benzodiazepines or muscle relaxants
2 with any opioid medication.

3 3.3 Licensee understands that violating any term of this Order will be grounds for
4 disciplinary action under ORS 677.190(17).

5 3.4 Licensee understands this Order becomes effective the date he signs it.

6 4.

7 At the conclusion of the Board's investigation, the Board will decide whether to close the
8 case or to proceed to some form of disciplinary action. The Board will also determine the manner
9 and timeline in which the requirement of this Order will be lifted. If the Board determines,
10 following that review, not to lift the requirements of this Order, Licensee may request a hearing to
11 contest that decision.

12 5.

13 This order is issued by the Board pursuant to ORS 677.410, which grants the Board the
14 authority to attach conditions to the license of Licensee to practice medicine. These conditions
15 will remain in effect while the Board conducts a complete investigation in order to fully inform
16 itself with respect to the conduct of Licensee. Pursuant to ORS 677.425, Board investigative

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1 materials are confidential and shall not be subject to public disclosure, nor shall they be admissible
 2 as evidence in any judicial proceeding. However, as a stipulation this Order is a public document
 3 and is reportable to the National Databank and the Federation of State Medical Boards.
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5 IT IS SO STIPULATED THIS 15th day of November, 2015.

6 SIGNATURE REDACTED

7 _____
 8 PATRICK JOHN SARVER, MD

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 10 IT IS SO ORDERED THIS 18th day of November, 2015.

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 12 OREGON MEDICAL BOARD
 13 State of Oregon

14 SIGNATURE REDACTED

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 16 JOE THALER, MD
 17 MEDICAL DIRECTOR
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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
 BENJAMIN STUART WILBUR, MD) INTERIM STIPULATED ORDER
 LICENSE NO. MD161394)
)
 1.

9 The Oregon Medical Board (Board) is the state agency responsible for licensing,
10 regulating and disciplining certain healthcare providers, including physicians, in the state of
11 Oregon. Benjamin Stuart Wilbur, MD (Licensee) is a licensed physician in the state of Oregon.

12 2.

13 The Board received credible information regarding Licensee that resulted in the Board
14 initiating an investigation. The results of the Board's investigation to date have raised concerns
15 to the extent that the Board believes it necessary that Licensee agree to cease the practice of
16 medicine until the investigation is completed.

17 3.

18 In order to address the concerns of the Board, Licensee and the Board agree to enter into
19 this Interim Stipulated Order, which is not an admission of any wrongdoing on the part of the
20 Licensee, and provides that Licensee shall comply with the following conditions effective the
21 date this Order is signed by Licensee:

22 3.1 Licensee voluntarily withdraws from the practice of medicine and his license is
23 placed in Inactive status pending the completion of the Board's investigation into his ability to
24 safely and competently practice medicine.

25 3.2 Licensee understands that violating any term of this Order will be grounds for
26 disciplinary action under ORS 677.190(17).

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1 3.3 Licensee must notify the Oregon Medical Board within 10 days as to how Oregon
2 patients may access or obtain their medical records.

3 4.

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

8 5.

9 This Order is issued by the Board pursuant to ORS 677.265(1) and (2) for the purpose
10 of protecting the public, and making a complete investigation in order to fully inform itself with
11 respect to the performance or conduct of the Licensee and Licensee's ability to safely and
12 competently practice medicine. Pursuant to ORS 677.425, Board investigative materials are
13 confidential and shall not be subject to public disclosure. However, as a stipulation this Order is
14 a public document and is reportable to the national Data Bank and the Federation of State
15 Medical Boards.

16 6.

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

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19 IT IS SO STIPULATED THIS 4 day of November, 2015.

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21 SIGNATURE REDACTED

22 BENJAMIN STUART WILBUR, MD

23 IT IS SO ORDERED THIS 24 day of November, 2015.

24 State of Oregon
25 OREGON MEDICAL BOARD

26 SIGNATURE REDACTED

27 KATHLEEN HALEY, JD
EXECUTIVE DIRECTOR