



BME REPORT

FALL 2004

www.bme.state.or.us

Inside:

**BME Executive:
2004 in Review**

**New Patient
Record Rules**

**License Lapses
Mean Trouble**

APPLICATION, RENEWAL FEES REDUCED THROUGH 2006

The Board of Medical Examiners has reduced its two-year (biennial) license application and renewal fees. The reduction is in effect for two years.

Biennial license application fees now are as follows:

MDs, DOs:	\$350
Podiatrists:	\$320
PAs:	\$230
Acupuncture:	\$230
MD/DO Limited:	\$175

Biennial license renewal fees now are:

MDs, DOs:	\$420
Podiatrists:	\$420
PAs:	\$320
Acupuncture:	\$270

The \$420 MD/DO renewal fee includes a \$20 allocation toward maintaining the circulating library at Oregon Health and Science University (OHSU). The 1989

(continued on page 3)

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MICHAEL SIMS, Editor

1500 SW First Ave., Suite 620
Portland, OR 97201
(503) 229-5770

Toll-free in Oregon: 1-877-254-6263

Fax: (503) 229-6543

www.bme.state.or.us

Diversion Program (Tigard): (503) 620-9117

FOUR NEW MEMBERS JOIN BOARD

In one of the most sweeping changes of membership in recent memory, the Board of Medical Examiners this year has welcomed four new members.

Three medical doctors and a new public member were tapped this year to succeed four retiring Board veterans. All four new members were appointed by Governor Kulongoski and confirmed by the Senate, to serve three-year terms expiring in the spring of 2007. This extraordinary rotation of Board members came about as the result of the term of office being shortened from four years to three.

(continued on page 2)



Dr. Johnson



Dr. LeClair



Ms. Smith



Dr. Watt

From the Executive Director



A Look Back at 2004

By Kathleen Haley, J.D.
Executive Director

All around us, we see signs that the end of 2004 is gradually approaching. With a few exceptions, it has been a typical even-numbered year for the BME. Board members and staff have continued their excellent hard work serving the public on a routine day-to-day basis. At the same time, much has been done to implement policies and procedures from the 2003 Legislature, and to prepare for the new legislative session, which begins in January 2005.

First and foremost, I would like to review with you some of the highlights of 2004, activities directly focused upon day-to-day service to the public and to BME licensees.

Board reduces application and renewal fees

During the year, the BME was glad to be able to temporarily reduce its two-year (biennial) license application and renewal fees. The Board is doing this because of excellent fiscal management, which now allows the BME to pass cost savings on to its licensees. The reduction is in effect until September 2006, and may be reconsidered at that time. **Full details on Page 1.**

Application packets 'go online'

A notable change to the BME Website came during 2004. All license application packets can now be accessed online. Applicants may fill out forms on their computers and print the completed forms, or print the forms and complete them by hand or typewriter. However, completed forms and any fees still must be returned to the BME by mail or in person. The BME Web site is located at www.bme.state.or.us.

Putting licensing, registration and other necessary forms online has been a boon to BME licensees and the staff who process these forms. In fact, most applications and renewals are being submitted in this

(continued on page 4)

Four New Board Members

(continued from page 1)

The new Board members are:

NATHALIE JOHNSON, M.D., oncological surgeon, Portland – Dr. Johnson is affiliated with Surgical Associates of Portland. She practices at Legacy Good Samaritan Hospital and Providence St. Vincent Medical Center. She also serves as a medical director at Legacy Cancer Services, and as a clinical professor of surgery at Oregon Health and Science University (OHSU).

Dr. Johnson specializes in the treatment and prevention of breast cancer. She hopes to chair the Breast Disease Course for the American College of Surgeons' 2005 Clinical Congress, after having co-chaired the course in 2003. She has received a number of grants for breast cancer research, has authored more than 25 articles and other publications on breast disease, and made more than 50 presentations on the topic. These include several presentations and discussions on Portland TV stations KGW and KPTV.

Dr. Johnson has chaired the Legacy Breast Health Centers' Professional Advisory Group since 1996. She also chairs the Interview Committee on Fellowship Applicants of the American College of Surgeons' Oregon chapter. She is a member of the American College of Surgeons Advisory Council's Board of Regents, the Columbia River Oncology Program and the Northwest Health Foundation Board of Directors.

She was spokesperson for the American Cancer Society's Minority Education Division, and has served on a wide variety of healthcare committees. In addition, she was commissioner of health for the Territory of the United States Virgin Islands in 1995-96.

Dr. Johnson earned her medical degree at the Medical College of Virginia, and served her internship and residency at Los Angeles County-University of Southern California General Hospital, Los Angeles. She graduated *summa cum laude* from Howard University in Washington, D.C. with a degree in radiation therapy.

GARY LECLAIR, M.D., gynecologist, Eugene – Dr. LeClair has been in private practice in Eugene since 1977. He is affiliated with Womens Care Associates and with Sacred Heart Medical Center, where he chairs the Surgical Clinical Services Group and is a member of the Pharmacy and Therapeutics Committee.

Dr. LeClair served as chief of Sacred Heart's medical staff in 2002-03, and previously was vice chief of medical staff, chief of surgery and chief of the department of obstetrics and gynecology.

Four New Board Members *(continued)*

He has served as president and secretary-treasurer of the Lane County Medical Society, and is a member of the Society's Physicians Committee.

Dr. LeClair earned his medical degree at Baylor College of Medicine in Houston, Texas. He served an internship at the Medical College of Virginia, then returned to Baylor to serve his residency in obstetrics and gynecology. He grew up in Richland, Wash. and earned a bachelor's degree in zoology from Washington State University.

Dr. LeClair also holds a master's degree in marriage and family therapy from Northwest Christian College, Eugene. He is a clinical member of the American Association of Marriage and Family Therapists.

He served as assistant chief of obstetrics at Madigan Army Medical Center in Tacoma, Wash. for two years before moving to Eugene. Madigan is one of the U.S. Army's seven teaching hospitals.

Dr. LeClair serves as Board liaison to the Advisory Council on Podiatry.

PATRICIA SMITH, business owner and educator,

Bend – Ms. Smith was appointed to serve as a public member of the Board. She is an active civic leader at the statewide level as well as in the Bend area. She is a member of the OHSU Center for Women's Health Board of Directors, and also served seven years as a member of the OHSU Board of Directors, including a term as vice chair.

Ms. Smith also serves as a board member for the Oregon Historical Society and the Portland Art Museum, and served 22 years on the Oregon Public Broadcasting (OPB) Board of Directors, including six years as vice chair.

Currently, she is campaign specialist and visiting scholar advisor for Central Oregon Community College (COCC). She has served nearly 30 years on the COCC Foundation Board of Directors, which she chaired from 1989 to 1994.

Ms. Smith also is a board member of the Cascade Festival of Music and the Tower Theater Advisory in Bend. She was a founding member of Bend's St. Francis School Foundation, and is a longtime volunteer with the High Desert Museum.

She is co-owner of William Smith Properties Inc., and a developer and partner of Ponte Vecchio Pizza, LLC.

Ms. Smith previously taught at Bear Creek Elementary School, Bend, and also served as a substitute teacher in the Bend-Lapine School District. Her interest in education extends into her civic involvement, as well. She is a member of the Board of Regents of her *alma mater*, Gonzaga University, Spokane, Wash.

Ms. Smith serves on the Board's Administrative Affairs Committee.

DAVID G. WATT, M.D., anesthesiologist, Portland –

Dr. Watt has been on the staff of Kaiser Permanente since 1991. He has worked with Kaiser's pain management group and served as a department chief at the Bess Kaiser Medical Center in north Portland.

Dr. Watt also served as physician member of the Center for Health Research's Institutional Review Board, vice chair of Kaiser's National Product Council, and as a member of several other committees. He was physician director of Kaiser's Department of Provider Contracts and Relations from 2001 to 2003.

Prior to joining Kaiser's Portland staff, Dr. Watt served as a staff anesthesiologist at Kaiser's medical center in Sacramento, Calif.

Dr. Watt is president-elect of the Medical Society of Metropolitan Portland (MSMP). He has been a member of the MSMP Board of Trustees since 1999, and served as its secretary-treasurer in 2003. He is also a trustee of the Oregon Medical Association (OMA) and a delegate to its House of Delegates.

Dr. Watt earned his medical degree and a Ph.D. in physiology at the University of Hawaii's John A. Burns School of Medicine, Honolulu. He served residencies in internal medicine at Santa Barbara (Calif.) Cottage Hospital, and in anesthesiology at Loma Linda (Calif.) Medical Center.

The new appointees succeed former Board chairs Marcia Darm, M.D. and public member Judy Rice, both of Portland; and James Scott, M.D., Roseburg. Lisa Dodson, M.D., Lake Oswego, retired this year after six years of Board service, as well. ■

Application Renewal Fees Reduced

(continued from page 1)

Legislature mandated the allotment to OHSU under ORS 677.290 (3).

"Sound fiscal management has enabled the BME to pass its cost savings to its licensees," said Executive Director Kathleen Haley. "This is the Board's first fee adjustment in five years, and we are very pleased that it can be a reduction. In addition, these fees now match the lowest fees charged by our neighbor states."

The fee reductions will expire September 9, 2006. ■

From the Executive Director *(continued from page 2)*

way. I am proud of the way BME licensing, registration and computer staff worked together to enhance the agency's services in this manner.

Four new members will shape Board's future

I am also proud of the manner in which the Board and staff welcomed, oriented and trained four new Board members during the spring and summer. This was the largest turnover of membership that anyone currently connected with the BME can recall, and some staff go back 30 years!

All four new Board members already have proven themselves more than capable of conducting their duties to the citizens of Oregon. You can learn more about Dr. Nathalie Johnson, Dr. Gary LeClair, Dr. David Watt and our new public member Ms. Patricia Smith, on Page 1 of this newsletter.

In the process, we bid fond farewells to four Board veterans who performed outstanding service during their tenures in office. Dr. Marcia Darm and public member Ms. Judy Rice of Portland, and Dr. James Scott of Roseburg, all chaired the Board at various times. Dr. Lisa Dodson of Lake Oswego served notably on several Board committees, both standing and special-purpose, in her six years of service. She chose committee service in lieu of a role as Board chair, and thus made significant contributions in many different facets of the Board's work.

Dr. Scott admirably represented the Board before a Congressional subcommittee in April, testifying on the Oregon Medical Marijuana Act and the Board's role in its implementation. Dr. Scott's testimony won him praise in our nation's capital and from his peers here at home. He was a splendid ambassador for our state and our BME.

All four are remembered as very diligent, caring and personable members of the BME family and, once again, I want to express my gratitude to these outstanding public servants. I also extend my thanks to the four dedicated citizens who stepped up to succeed them on the Board.

Legislation and the Budget

Turning to legislative matters, we were busy dealing with the results of 2003 legislative action which created an Oregon Patient Safety Commission and expanded the reporting requirements for physicians, hospitals and health systems. We have been monitoring and working with the Patient Safety Commission since last fall, to ensure that it and the BME are on the same page when it comes to

administering state laws and rules governing medical practice and ensuring ... patient safety!

The Board is also currently considering draft administrative rules to help implement House Bill (HB) 2165, which it requested in order to further clarify and strengthen existing laws specifying reporting requirements. The bill became law on January 1 of this year, and requires that health care facilities report to the Board within 10 working days any information, or official action, incident or event which may show that a licensee is medically incompetent, impaired or unable to safely practice. The new law also requires licensees to self-report any such actions.

HB 2165 also added protection from civil liability for those persons who make such reports to the Board in good faith. And the bill changed statutory references from "physicians" to "licensees," making it clear that the reporting law also refers to podiatric physicians, physician assistants and acupuncturists.

The new law also defines "official action, incident or event" as "a restriction, limitation, loss or denial of privileges of a licensee to practice medicine, any formal action taken against a licensee by a government agency or a health care facility based on a finding of medical incompetence, unprofessional conduct or licensee impairment, or the withdrawal by a licensee from the practice of medicine or podiatry."

Early in the year, BME staff began the process of crafting and presenting the agency's 2005-07 budget request. The document now is in the hands of the Oregon Department of Administrative Services (DAS), and soon will go to the Governor for inclusion in his proposed state budget. Our proposed budget contains modest spending increases from the 2003-05 budget, and these are proposed to address two 2005 legislative proposals, as well as the needs for added staff to meet the ever-growing demands on the BME.

The Board is working on drafting legislation that will allow the BME to conduct criminal background checks on applicants for licensure, and that will add mental health services to the Health Professionals Program (HPP). Legislative approval of both proposals will have some impact upon the BME budget, though fees would cover some of the costs of these two very worthwhile programs.

In September, the HPP moved to larger quarters within the same Tigard office building that it has called home for several years. The new office will mean more space to

(continued)

From the Executive Director *(continued)*

better handle clerical and licensee client needs, including more privacy for interviews and counseling sessions.

The Board is seeking a small increase in staff in order to better address the growing number of licensees and applicants, a bigger workload in the investigations sector and more followup activities regarding compliance with Board orders. The BME has had far fewer increases in staff, proportionately, than most state agencies. We have a tradition of seeking such increases only when absolutely imperative. Now is such a time.

A closing thought

During 2004, I observed my 10th anniversary as Executive Director of the BME, and my 20th in the service of the state of Oregon. Looking back, it was not easy to leave New York state, where I was born and raised.

But today, I have no regrets about coming West. That new adventure of the early 1980s is no less challenging and engaging for me in these first years of the new century, though I stopped feeling like a newcomer long ago. I am proud to consider myself a true Oregonian, and am quite gratified for the opportunity to serve this wonderful state and its diverse population – particularly in ways that touch all citizens in special, personal ways, through the provision of safe and sound health care.

Happy Holidays and a
Happy New Year to you all! ■

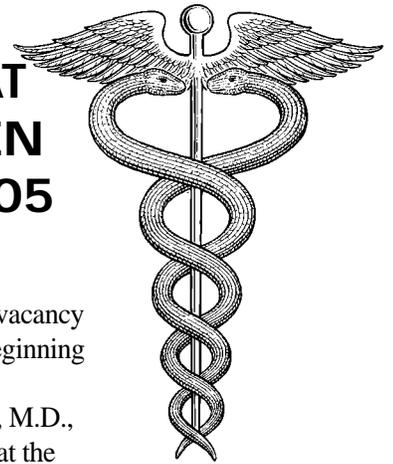
Kathleen Haley



Statement of Purpose

The **BME Report** is published to help promote medical excellence by providing current information about laws and issues affecting medical licensure and practice in Oregon.

BOARD SEAT WILL BE OPEN IN EARLY 2005



The Board of Medical Examiners will have a vacancy to fill, for a three-year term beginning March 1, 2005.

Board Chair Frank Spokas, M.D., Ontario, will leave the Board at the end of February. He has served since 1999 and is ineligible for reappointment due to term limits.

Dr. Spokas' departure will leave the Board without a medical doctor (MD) member from the Second Congressional District. The district encompasses all of Oregon east of the Cascade Mountains, plus all of Jackson County and a portion of Josephine County (Grants Pass and vicinity) in southern Oregon.

Individual Board positions are not designated by geography, but state law requires that the Board must have at least one medical physician (MD) member from each of Oregon's five Congressional districts. The 2005 appointee's legal (voting) residence must be located in the Second Congressional District. For example, an MD practicing in Grants Pass or Medford, while residing in rural Josephine County outside the Second District, would be ineligible for this appointment. But an MD practicing in Portland or Eugene, while living in Hood River or Sisters, would be eligible.

Qualified MDs interested in seeking appointment to the Board are encouraged to contact the Board office at (503) 229-5770, or the Oregon Medical Association (OMA).

Board members are appointed by the Governor, and those appointments are confirmed by the state Senate. In making the appointments, the Governor considers a list of candidates who have applied for Board appointment, or whose names have been forwarded by the OMA and other professional groups.

Members are appointed for three-year terms, which usually begin March 1 and end on the last day of February. Board members may serve no more than two three-year terms.

All board members must have been Oregon residents for seven years prior to appointment, and the nine physician members (seven MDs, two DOs) must have been in active practice for at least five years.

Board service means a large commitment of time and energy. Members prepare for and attend four quarterly meetings of the full Board each year, in January, April, July and October. In addition, members attend meetings of Board committees upon which they serve, such as the Investigative and Administrative Affairs committees. Three Board members serve as liaisons to the Acupuncture Advisory and Physician Assistant committees, and the Advisory Council on Podiatry. ■

LICENSING STATISTICS BY REPORTED SPECIALTY MDs and DOs (ACTIVE ONLY) As of November 1, 2004

SPECIALTY	COUNT	SPECIALTY	COUNT
ALLERGY	12	NUCLEAR RADIOLOGY	2
ACUPUNCTURE (MDs and DOs only)	5	NEUROLOGICAL SURGERY	115
ADOLESCENT MEDICINE	2	OBSTETRICS AND GYNECOLOGY	493
ADDICTION MEDICINE	11	OBSTETRICS	4
ALLERGY / IMMUNOLOGY	34	OCCUPATIONAL MEDICINE	52
AVIATION MEDICINE	6	OSTEOPATHIC MANIPULATIVE MEDICINE	13
ANESTHESIOLOGY	554	ONCOLOGY	85
CARDIOLOGY	148	OPHTHALMOLOGY	279
CRITICAL CARE MEDICINE	8	ORTHOPEDIC SURGERY	400
CARDIOVASCULAR DISEASES	60	ORAL SURGERY	4
CARDIOVASCULAR SURGERY	49	OTOLOGY	3
CHILD NEUROLOGY	7	OTOLOGY / LARYNGOLOGY / RHINOLOGY	162
CHILD PSYCHIATRY	62	PSYCHIATRY	483
CLINICAL PATHOLOGY	3	PATHOLOGY	195
COLON AND RECTAL SURGERY	12	PEDIATRICS	609
DERMATOLOGY	150	PEDIATRIC ALLERGY	1
DIAGNOSTIC RADIOLOGY	249	PEDIATRIC CARDIOLOGY	20
EMERGENCY MEDICINE	565	PEDIATRIC ENDOCRINOLOGY	12
ENDOCRINOLOGY	55	PEDIATRIC HEMATOLOGY-ONCOLOGY	17
FORENSIC PATHOLOGY	9	PEDIATRIC NEPHROLOGY	6
FAMILY PRACTICE	1,570	PEDIATRIC RADIOLOGY	1
GASTROENTEROLOGY	122	PEDIATRIC SURGERY	10
GENETICS, MEDICAL	11	PUBLIC HEALTH	16
GERIATRICS	22	PHARMACOLOGY (MDs and DOs only)	1
GENERAL PRACTICE	143	PLASTIC SURGERY	71
GENERAL SURGERY	424	PREVENTIVE MEDICINE	22
GYNECOLOGY	45	PHYSICAL MEDICINE AND REHABILITATION	84
HOSPITAL ADMINISTRATION	7	PSYCHIATRY / NEUROLOGY	16
HEMATOLOGY	41	PULMONARY DISEASES	88
HEAD AND NECK SURGERY	3	PSYCHOANALYSIS	3
HAND SURGERY	8	PSYCHOSOMATIC MEDICINE	2
INTERNAL MEDICINE	1,658	RADIOLOGY	206
INFECTIOUS DISEASES	26	RHEUMATOLOGY	46
MAXILLOFACIAL SURGERY	8	SPORTS MEDICINE	3
NEUROLOGY	190	THERAPEUTIC RADIOLOGY	62
NEPHROLOGY	62	TRAUMATIC SURGERY	1
NEONATAL – PERINATAL MEDICINE	39	THORACIC SURGERY	9
NUCLEAR MEDICINE	12	UROLOGY	150
		VASCULAR SURGERY	24
		GRAND TOTAL	10,170

LICENSE LAPSES HAVE CONSEQUENCES

There are occasions when licensees of the Board of Medical Examiners (BME) allow their licenses to lapse. It is imperative that all licensees who wish to continue practicing in Oregon maintain their licensure, keep the BME advised of all address and location changes, and keep their accounts current with regard to registration fees.

There can be serious ramifications of letting a license lapse:

Violation of law – It is illegal in Oregon to practice medicine, podiatry and acupuncture, and to serve as a physician assistant, without securing and maintaining a license from the BME.

According to the Oregon Medical Practice Act (ORS 677.228), BME licenses automatically lapse if the licensee fails to pay registration fees, or to notify the BME of location changes longer than 30 days after the change.

Licensees are prohibited from practice until the conditions under which the license lapsed no longer exist. Paying all fees due, and any penalties for late payment, will automatically reinstate the license. Licensees also are eligible for immediate reinstatement if they notify the BME of the current and correct address no later than 10 days after the automatic lapse takes effect.

Insurance risks – Malpractice insurance will not cover licensees for any malpractice claim filing during the period in which their license was lapsed. Practicing without a license is illegal. Practicing without a license and without malpractice insurance could lead to financial and professional disaster.

Hospital privileges – Allowing a license to lapse can result in credentialing difficulties with hospitals and other institutions. The Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) requires the licenses of healthcare workers within hospitals to be current. Licensees must get licenses reinstated and/or reactivated with the BME before such privileges can be restored.

Medicare – The federal government requires physicians who treat Medicare patients to have active licenses.

Lengthy lapses – Oregon licensees who remain lapsed for longer than three months are required to reactivate their licenses, involving a lengthy process.

Licensees seeking reactivation are required to complete and submit to the BME the following:

- An Affidavit for Reactivation.
- A Self-Query form from the National Practitioner Databank (NPDB).
- The Federation of State Medical Boards (FSMB) Disciplinary Report.
- Verification of licensure if practicing in another state.
- Verification of employment.
- A \$50 affidavit processing fee, in addition to any outstanding license renewal fees and late fees.

Complete information and forms for the licensure process can be found on the BME Website: www.bme.state.or.us. ■

NEW DEADLINE IN EFFECT FOR PROVIDING PATIENT RECORDS

BME licensees are now required to provide patients or their representatives with their medical records in 30 days or less from the time licensees receive record requests.

The Board at its October 15, 2004 meeting adopted amendments to Oregon Administrative Rule (OAR) 847, Division 12, which addresses patient access to such records. The new rule language requires licensees to comply with requests for medical records “within a reasonable amount of time” not exceeding 30 days from licensees’ receipt of such requests.

OAR 847-012-0000 requires licensees to provide patients, or their authorized representative, protected health information in the patients’ medical records. Licensees may substitute summaries of records only with patient approval. Licensees are encouraged to use a written authorization form as specified and provided in Oregon Revised Statutes (ORS) 192.522. The form may be accessed online by visiting the following Web address: <http://www.leg.state.or.us/ors/192.htm> and then scrolling to ORS 192.522.

Licensees may charge patients “reasonable costs” for the costs of complying with health information requests. The rule sets a limit of \$25 for copying 10 or fewer pages of written material, and 25 cents per page for additional pages. Other allowable costs include postage, the actual costs of preparing any requested explanations or summaries, and actual costs of duplicating films, x-rays or other non-written reports.

The rule prohibits licensees from denying patients copies of medical records because of patients’ inability to pay such costs.

Violating any portion of OAR 847, Division 12 may be cause for disciplinary action by the BME under ORS 677.190 (1) (a), unprofessional or dishonorable conduct.

Persons wishing more information about the rule may contact Mike Sherman, BME Complaint Resource Officer, at (503) 229-5770, or toll-free from anywhere in Oregon outside the Portland area, at 1-877-254-6263. ■

BOARD ACTIONS – July 10, 2004 to October 25, 2004

BOGART, Larry F., MD20341 Roseburg, Ore.

The Licensee entered into a Stipulated Order with the Board on October 14, 2004. In this Order, the Licensee was reprimanded and was restricted from treating co-workers, family and friends. The Licensee may not prescribe nor approve use of any Schedule I, II or III controlled substances. The Licensee may not treat patients younger than 18 years old. The Licensee must complete Continuing Medical Education (CME) on boundaries and appropriate prescribing, and must report to the Board on a quarterly basis.

BORMAN, Nancy L., DO19719 Lake Oswego, Ore.

The Licensee entered into a Corrective Action Order with the Board on September 2, 2004. In this Order, the Licensee agreed to remain under the care of a psychiatrist who shall submit quarterly reports to the Board. The Licensee shall abstain from alcohol and shall submit to random urinalyses.

DIERDORFF, John T., DO06866 Forest Grove, Ore.

The Licensee entered into an Amended Interim Stipulated Order with the Board on August 5, 2004. This Order modified the Licensee's previous Interim Stipulated Order dated May 6, 2004. The amended order requires the Licensee to participate in psychotherapy, and to have a chaperone for female patients older than 12. The Licensee is prohibited from dating or having romantic contact with current or former patients whom he has seen within the last six months.

ELLISON, Elizabeth L. MD22018 Charlotte, N.C.

The Licensee entered into a Stipulated Order with the Board on October 14, 2004, agreeing to surrender her Oregon medical license while under investigation, and to never reapply for licensure in the state of Oregon.

ELLISON, Melanie A., MD19066 Steamboat Springs, Colo.

The Licensee entered into a Stipulated Order with the Board on September 2, 2004. In this Order, the Licensee agreed to surrender her medical license while under investigation.

LEVEQUE, Phillip E., DO10919 Molalla, Ore.

The Board issued a Final Order on October 15, 2004. This Order revoked the Licensee's Oregon medical license, and imposed contested-case hearing costs, as well as a fine of \$5,000.

LEVY, Jonathan S., MD08928 Portland, Ore.

The Licensee entered into a Stipulated Order with the Board on October 14, 2004. In this Order, the Licensee agreed to surrender his Oregon medical license while under investigation. The Licensee also agreed to never reapply for licensure in Oregon.

MOORE, Lois A., MD25350 Halfway, Ore.

The Licensee entered into a Voluntary Limitation with the Board on August 5, 2004. This Order limits the Licensee's practice to radiology.

NEITLING, Stanley J., MD13059 Hillsboro, Ore.

The Licensee entered into an Interim Stipulated Order with the Board on September 2, 2004. In this Order, the Licensee agreed to withdraw from practice, pending the conclusion of the Board's investigation regarding his competency to practice medicine.

SIDDALL, Donley D., MD09309 Collegedale, Tenn.

The Licensee entered into a Stipulated Order with the Board on September 2, 2004. In this Order, the Licensee voluntarily surrendered his Oregon medical license while under investigation.

VANCE, Lee W., MD16746 Gaithersburg, Md.

The Licensee entered into a Corrective Action Order with the Board on October 14, 2004. In this order, the Licensee agreed to complete CME courses addressing clinical skills, interpersonal skills, and disruptive behavior, if he continues to practice solely in the military. If the Licensee decides to practice medicine in Oregon, he must also complete the Physician Evaluation and Education Renewal (PEER) program.

Board Actions *(continued)*

WICHSER, James A., MD09860 Portland, Ore.

The Licensee entered into a Stipulated Order with the Board on August 5, 2004. The Order requires the Licensee to participate in the Diversion Program for Health Professionals (HPP), have a practice monitor, seek and receive psychiatric care, submit to random urinalyses, report to the Board on a quarterly basis, and abstain from alcohol or controlled substances not prescribed by a physician or dentist. The Licensee must also notify hospital administrators of the existence of this Order. The Licensee may petition the Board to terminate this Order, if an Order issued him by the Minnesota Board of Medical Practice is terminated, and if he is in compliance with his HPP contract in Oregon.

WITKOPP, George F., MD10695 Beaverton, Ore.

The Board issued a Final Order on October 25, 2004. This Order suspended the Licensee from practice for 90 days, but the Board stayed the suspension on the condition that the Licensee complies with the terms of the Order. The Licensee was placed on probation and assessed contested-case hearing costs not to exceed \$5,000. The Licensee was ordered to enroll in, and successfully complete, the Center for Personalized Education for Physicians (CPEP) Educational Intervention Program. The Licensee was ordered to complete a course pertaining to physician-patient boundaries. In addition, the Licensee shall be subject to “no notice” compliance inspections by the Board’s Compliance Officer or investigative staff. The Licensee was ordered to report to the Board on a quarterly basis. ■



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Licensees may charge patients “reasonable costs” for the costs of complying with health information requests. The rule sets a limit of \$25 for copying 10 or fewer pages of written material, and 25 cents per page for additional pages. Other allowable costs include postage, the actual costs of preparing any requested explanations or summaries, and actual costs of duplicating films, x-rays or other non-written reports.

The rule prohibits licensees from denying patients copies of medical records because of patients’ inability to pay such costs.

Violating any portion of OAR 847, Division 12 may be cause for disciplinary action by the BME under ORS 677.190 (1) (a), unprofessional or dishonorable conduct.

Persons wishing more information about the rule may contact Mike Sherman, BME Complaint Resource Officer, at (503) 229-5770, or toll-free from anywhere in Oregon outside the Portland area, at 1-877-254-6263. ■

OREGON ADMINISTRATIVE RULES ADOPTED BY THE BOARD OF MEDICAL EXAMINERS

The Board at its October 14-15, 2004 meetings reviewed the following Oregon Administrative Rules (OAR):

PUBLIC HEARING SCHEDULED

The Board of Medical Examiners will hold a public hearing on proposed OAR amendments Wednesday, December 1, 2004, at 9 a.m. at the BME office – 1500 S.W. First Ave. (Crown Plaza), Suite 620, Portland. Written comments concerning the proposed rule amendments must be received at the Board office by 5 p.m. Pacific Standard Time (PST) on December 1, 2004.

The Board is holding the public hearing regarding the following rule:

OAR 847-010-0073, Reporting Incompetent or Impaired Licensees to the Board – The proposed rule amendments change what shall be included in a report from a healthcare facility or licensee required to report to the Board any official action, incident or event taken against or involving a Board licensee, based on a finding of medical incompetence, unprofessional conduct, or licensee impairment, within ten working days of their occurrence.

ADOPTED RULES

Final Review and Adoption by the Board October 2004

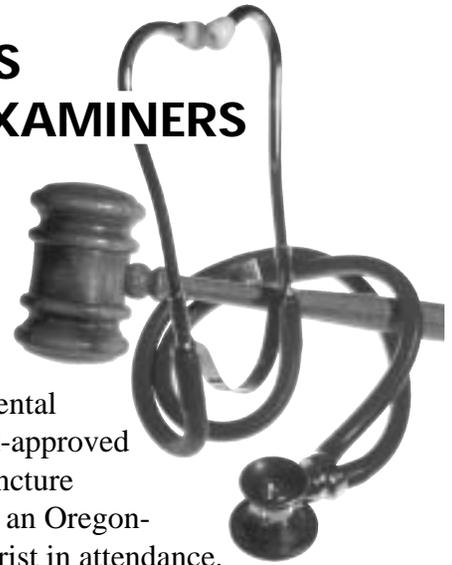
MD / DO

OAR 847-012-0000, Patient's Access to Physician Medical Records – The adopted rules specify that a request for medical records shall be complied with within a reasonable period of time not to exceed thirty (30) days from the receipt of the request. *See story in this newsletter, Page 7.*

Acupuncture

OAR 847-070-0033 Visiting Acupuncturist Requirements – The adopted rules allow visiting acupuncturists to demonstrate needling at seminars,

workshops and conferences sponsored by a school or program within a school of acupuncture or Oriental medicine; or Board-approved professional acupuncture organizations, with an Oregon-licensed acupuncturist in attendance.



Podiatry

OAR 847-080-0017 Letters and Official Grade Certifications to be Submitted for Licensure – The adopted rules require applicants to request official grade certification of the National Board of Podiatric Medical Examiners' (NBPME) Examination, Part III. This certification is to be submitted directly to the Board from the Federation of Podiatric Medical Boards (FPMB).

PROPOSED RULES October 2004

The Board discussed these rule proposals on First Review at its October 14-15 meeting. Written comments on proposed rules must be submitted to the Board in writing by Monday, December 27, 2004.

MD / DO

OAR 847-015-0025, Dispensing Physicians – The proposed rules require that physician assistants' (PA) supervising physicians, who request Board approval for emergency dispensing privileges for their PAs, must be registered as dispensing physicians.

Emergency Medical Technicians (EMT)

OAR 847-035-0030, Scope of Practice – The proposed rules add the administration of epinephrine by automatic injection device for anaphylaxis to the First Responder scope of practice.

(continued on next page)

Oregon Administrative Rules *(continued)*

Physician Assistants (PA)

OAR 847-050-0041, Prescription Privileges – The proposed rules state that supervising physicians who apply for emergency dispensing privileges for their PAs, or supervising physicians who monitor / supervise nurse practitioners who dispense medications, must be registered with the Board as dispensing physicians.

The Board's mailing address is 1500 S.W. First Ave., Suite 620, Portland, OR 97201-5826. For more information on these rules, visit the BME Website at www.bme.state.or.us.



CALENDAR OF EVENTS

November _____

25 (Thu.) State Holiday (*BME offices closed*)

December _____

1 (Wed.) Public Hearing: Amendments to Oregon Administrative Rules (OAR), 9 a.m. *See OARs, page 10 of this newsletter, for more information*

8 (Wed.) Investigative Committee, 8 a.m.
Administrative Affairs Committee, 5 p.m.

9 (Thu.) Physician Assistant (PA) Committee, 9:30 a.m.

10 (Fri.) Emergency Medical Technician (EMT) Advisory Committee, 9 a.m.
Advisory Council on Podiatry, 2 p.m.

24 (Fri.) State Holiday (*BME offices closed*)

31 (Fri.) State Holiday (*BME offices closed*)

January _____

13 (Thu.) Board of Medical Examiners' quarterly meeting, 8 a.m. – 5 p.m.

14 (Fri.) Board meeting continues, 8 a.m. to close of business

February _____

3 (Thu.) Investigative Committee, 8 a.m.

All meetings are at the BME offices in Portland, unless otherwise indicated.

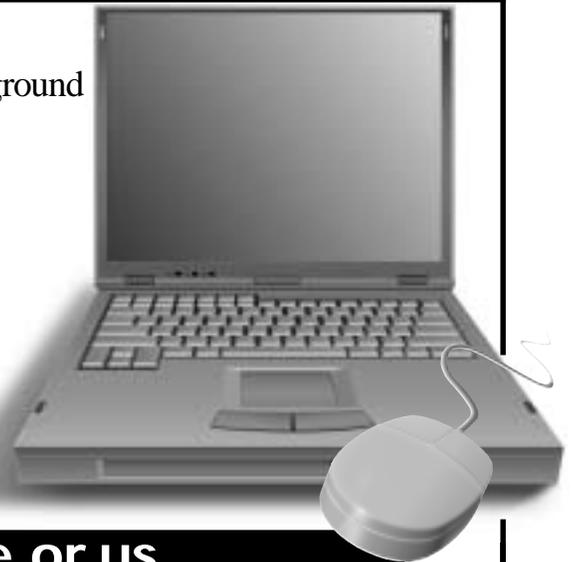
For more information, go to the BME Website at <http://www.bme.state.or.us/meetingdates.html>.



It's the law! You must notify the BME within 30 days of changing your practice address or mailing address. To help ensure that you receive your license renewals and other important information on time, call the BME for an address change form, or print the form from www.bme.state.or.us/forms.html.

The BME Website: Your Daily Source of Information!

- **Board Licensees:**
License status, speciality, educational background
- **Board Actions**
- **Adopted and Proposed Oregon Administrative Rules**
- **Board and Committees:**
Members, Meeting Calendar
- **License Application:**
Packets and Information
... and more!



www.bme.state.or.us