

The Health Professionals Program moves into the next chapter

The 1989 Legislature established Oregon's Health Professionals Program (HPP), also known as the Diversion program, under the aegis of the Board of Medical Examiners (BME). Prior to 1989, the Oregon Medical Association (OMA) privately offered a program for confidential treatment of physicians with substance abuse disorders. When the BME assumed responsibility for the program, acupuncturists, physician assistants and podiatric physicians were added to the HPP client base.

Confidentiality is as important today as when the program was first set up 17 years ago. The HPP office is separate from the BME office, and the identities of participants and their records are protected by Federal law.

The HPP is fortunate in having a medical director who is board-certified in addiction medicine. Susan McCall, MD has served in this capacity for 11 years. She is available to assist with interventions, set up evaluations, treatment and monitoring for licensees. After moving to HPP from a short stint at the BME office, Carmen Hull helped set up the program in 1989-90. Ms. Hull recently retired.

A five-member Supervisory Council, appointed by the Board, oversees the HPP's clinical aspects. The Council meets four times a year. Its members are familiar with substance use disorders. Up until recently, the members were all physicians; last year the Board added a public member who is a psychologist specializing in addiction issues. The Council ensures that the Board and the program operate at an arm's length from each other. In the nearly two decades of operation there has never been a breach of confidentiality.

Much of the HPP's success can be attributed not only to the guidance of the Council and staff, but also to the consultants who work with licensees in their home communities, helping to guide them back to practice, health and wholeness.

Hopefully, Oregon will soon join the majority of other states whose physician health programs serve licensees with mental health diagnoses, and who need monitoring of their illnesses. The 2007 Legislature approved the Board's Senate Bill (SB) 145, adding mental health services to the HPP, effective Jan. 1, 2009.

In the meantime, the Board and Council will work together to prepare for the inclusion of mental health diagnoses, and to implement the recommendations of an audit performed in 2006. The audit found that the HPP offers excellent clinical services. Recommendations called for a review and enhancement of administrative issues.

Oregon can be proud of its history of assisting physicians and other health care professionals with mental health and addiction issues that may impair their ability to safely practice medicine. We have a compassionate, confidential program for identifying and monitoring licensees, so that they can continue to practice medicine without fear of discipline by the Board.

The HPP may be reached by calling (503) 620-9117.



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From the Executive Director

Giving back

‘Ask not what your country can do for you – ask what you can do for your country.’

— *John F. Kennedy*

**By Kathleen Haley, JD
Executive Director, BME**

Oregonians in many occupations and professions have been given the privilege of self-regulation, including physicians. And physicians have been granted a measure of material wealth and social standing to a greater degree than the mainstream of society.

Consequently, many physicians feel strongly the call to participate in “extracurricular” activities of service to their communities, or even to the state of Oregon as a whole. That call to public service leads many physicians to the Board of Medical Examiners.

Since last year, I have talked with a number of candidates for appointment to the Board. Each candidate, including the two eventual appointees, said that he or she was applying for consideration out of a desire to give something back – to the healing profession, to the home community, to all the people of Oregon.

The desire to “give back” through Board service carries a lot of weight. In doing so, Board members are giving as much as 20 hours each month to their fellow citizens, outside of their already busy practices and personal lives.

They are charged with making tough decisions, ones that are vital to the public health and safety, and that impact or even terminate colleagues’ professional careers. Board members make these choices with the knowledge that in return, they will receive a mere stipend of money, and no public accolades or glory whatsoever.

In Oregon, we have our Banfield freeway, our Glenn Jackson bridge and Stub Stewart state park, all named after worthy members of state boards and commissions. But there is no Watt state hospital, Thaler boulevard or Thiringer experiment station.

I am proud and pleased to salute our former Board members Drs. David Watt, Joseph Thaler and Sheridan Thiringer, for the many hours of skilled, dedicated services they have rendered the people of Oregon.

Drs. Thaler and Watt chaired both the Board and its Investigative Committee (IC), and represented the Board at regional and national meetings of state medical regulators.

Dr. Thiringer served as Board liaison to its Physician Assistant (PA) Committee during his six years on the Board, and was instrumental in creating the current PA scope of practice guidelines.

Dr. Thiringer and Dr. Thaler have served their statutory limits of six years on the Board, and have been succeeded by Lewis Neace, DO and Sarojini Budden, MD.

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From the Executive Director (continued from page 2)

Dr. Watt leaves the Board and chairmanship in mid-term, to accept a new challenge with the Federation of State Medical Boards (FSMB) in Dallas, Texas. Dr. David Grube will complete the remainder of Dr. Watt's one-year term as Board Chair, and the Governor will appoint a new Board member to fill the vacancy left by Dr. Watt's departure.

Hats off to Dr. Grube for stepping into the breach, after serving a term as chair in 2006-07 and looking forward to Board retirement this year.

We give Drs. Thaler, Thiringer and Watt a hearty vote of thanks for all of their efforts, and wish them well in their post-Board endeavors. They deserve the gratitude and esteem of all their colleagues and fellow citizens, for they have truly "given back" to their home state.

More from the Executive Director: Legislative Update

As this is written, the 2007 legislative session is winding down. At the BME, we have monitored the progress of 110 measures this session, 30 of which we have deemed critical to the BME and its mission.

Already, the Legislature has approved and the Governor signed a bill which will result in the most visible change to the BME in a century, effective Jan. 1, 2008.

That's the day that the Board of Medical Examiners will become the Oregon Medical Board, thanks to the Board's own Senate Bill (SB) 147.

The Board proposed SB 147 in order to reflect the fact that it has not examined candidates for licensure for many years. Also, the new name will alleviate confusion with the Office of the State Medical Examiner.

Two other BME bills, SBs 146 and 148, proposed giving the Board civil enforcement authority and an increased maximum civil penalty. We worked with representatives of the Oregon Medical Association (OMA) and Oregon Association of Hospitals and Health Systems (OAHHS) on a compromise that merged the two BME bills into SB 337, which also specifies requirements for reporting malpractice claims to the Board.

We would particularly like to thank Sen. Alan Bates (D-Ashland), and Rep. Tina Kotek (D-Portland), for their help and guidance toward getting a bill that will enhance the tools the BME needs to protect the public from harm.

SB 145, the BME's proposed addition of mental health services to the Health Professionals Program (HPP), awaits final action by the House of Representatives at this writing.

SB 145 resulted from the combined efforts of the OMA, the Oregon Psychiatric Association (OPA) and the Board. Joseph Bloom, MD, dean *emeritus* of the Oregon Health and Science University (OHSU) medical school, facilitated the development of the bill.

SB 145 will take effect Jan. 1, 2009.

We are hopeful that the years of work toward an HPP serving licensees with mental health issues will not be in vain.



Watt resigns Board, joins FSMB as vice president



David Watt, MD

Board Chair David Watt, MD resigned May 31 to accept an appointment as Vice President, Professional Affairs for the Federation of State Medical Boards (FSMB). He will be stationed at FSMB headquarters in Dallas, Texas.

Former Chair David Grube, MD, Philomath, will complete Dr. Grube's one-year term as Board Chair.

Dr. Watt was appointed to the Board in 2004 and reappointed earlier this year. He served as Vice Chair, chair of the Board's Investigative Committee, and Board liaison to its Acupuncture Advisory Committee during his tenure.

Dr. Watt retired in late 2006 from Kaiser Permanente in Portland, where he had practiced anesthesia since 1991. He is a past president of the Medical Society of Metropolitan Portland (MSMP), and a member of the boards of trustees of the MSMP and the Oregon Medical Association (OMA).



BME deadline for changes of address draws near

The biennial license-renewal process will soon begin for Oregon's medical and osteopathic physicians, podiatrists and physician assistants. Renewal forms will be sent in September 2007.

Licensees are reminded that BME staff must have correct mailing address information before forms are sent. Licensees who are unsure as to whether the BME has their correct addresses on file may access 'Applicant and Licensee Information' at www.oregon.gov/BME. They may also call the BME Licensing Services Department at (971) 673-2700, or toll-free in Oregon at 1-877-254-6263.



POLST, Part 2: Clarification

The Winter-Spring 2007 issue of the BME REPORT contained a front page article, "POLST: What's It All About?" explaining Physician Orders for Life-Sustaining Treatment (POLST) forms. The publication date of the article and the effective dates of related Oregon Administrative Rules (OAR) did not mesh. This discrepancy sparked several inquiries to the BME, regarding two key points in need of clarification:

Physician Assistants (PA) as Signers – The Board at its April 2007 meeting adopted new OAR language enabling PAs to sign ("execute") POLSTs, along with physicians and nurse practitioners. OAR 847-010-0110 (1) cites PAs as having POLST-signing authority.

Honoring POLSTs – The Board in April also approved an OAR requiring physicians and PAs to honor patients' wishes in cases where POLST orders are signed by physicians or nurse practitioners not on the admitting hospitals' staffs.

OAR 847-010-0010 (1) also states that physicians and PAs are not subject to criminal prosecution, civil liability or Board disciplinary action regarding POLSTs. *Complete texts of all OARs and Oregon Revised Statutes (ORS) may be accessed under "Rules and Statutes" on the BME Website, www.oregon.gov/BME.*

Board Actions – March 22 to May 10, 2007

DISCIPLINARY ORDERS

Reportable to the National Practitioner Data Bank (NPDB)

ALTER, Dale N., MD20858; Heppner, Ore.

The Board on May 10, 2007 issued an Order of (license) Suspension. The Board took this action based on its immediate concerns regarding the safety and welfare of the Licensee's current and future patients.

BERANEK, Steven R., MD24812; Salem, Ore.

The Licensee on April 12, 2007 entered into an Interim Stipulated Order, through which he agreed to withdraw from practice, pending the completion of a Board investigation.

BERGIN, Patrick J., MD15838; Eugene, Ore.

The Board on April 12, 2007 issued a Final Order revoking the Licensee's medical license.

LEE, Gilbert B., MD12003; Bend, Ore.

The Licensee on March 22, 2007 entered into an Interim Stipulated Order, through which he agreed to withdraw from practice, pending the completion of the Board's investigation into his competency to practice medicine.

MATTHEWS, James M., MD16811; Newberg, Ore.

The Licensee on May 4, 2007 entered into an Interim Stipulated Order. Through the Order, he voluntarily withdrew from the practice of medicine, and his license was placed in Inactive status pending completion of the Board's investigation into his ability to safely and competently practice medicine.

CORRECTIVE ACTION ORDERS

Corrective Action Orders are not disciplinary in nature, but are public orders issued with the goal of remediating problems in licensees' individual practices. They are not reported to the National Practitioner Data Bank (NPDB).

CROWLEY, Alice (Robin) D., PA01223; Jordan Valley, Ore.

The Licensee on April 12, 2007 entered into a Corrective Action Order, through which she agreed to enroll in and complete the Board's Appropriate Prescribing Workshop (APW) within one (1) year. The Board also directed the Licensee to submit progress reports from her supervising physician every two (2) months, for a period of six (6) months from the date of the Order.

GRAHAM, Barbara A., MD15611; Portland, Ore.

The Licensee on May 8, 2007 entered into a Corrective Action Order, through which she agreed to enroll in the Oregon Medical Association's (OMA) Physician Evaluation, Education and Renewal program (PEER) within 30 days, and successfully complete the program within 24 months from the date of enrollment.

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Board Actions (continued from page 5)

GRAHAM (cont'd): The Board also directed the Licensee to comply with Board-approved practice descriptions for her physician assistants, and to complete a medical documentation course (pre-approved by the BME Medical Director) within 12 months. The Order also states that the Licensee's practice is subject to unannounced visits by BME staff, to ensure compliance with the Order.

JONES, Nila G., MD23302; Battle Ground, Wash.

The Licensee on April 12, 2007 entered into a Corrective Action Order, through which she agreed to a pre-approved practice setting with monthly reports from a supervising physician who will review 50 percent of her charts on an ongoing basis.

KNOWLTON, David A., MD20529; Eugene, Ore.

The Licensee on May 8, 2007 entered into a Corrective Action Order, through which he agreed to only work in practice settings that are pre-approved in writing by the BME Medical Director. The Board also ordered the Licensee to establish or maintain a physician/patient relationship with a mental health professional (also to be approved by the Medical Director) who will submit quarterly reports to the Board.

LOGAN, Jacqueline S., MD20914; Salem, Ore.

The Licensee on April 12, 2007 entered into a Corrective Action Order, by which she agreed to work only in practice settings pre-approved by the Board.

PRIOR ORDERS MODIFIED OR TERMINATED

ARNAEZ ZAPATA, Gerardo E., MD23611; Seaside, Ore.

The Board on April 12, 2007 terminated the Corrective Action Order of January 12, 2006. The Board did so because of the Licensee's successful compliance with the terms of the prior Order.

CORDES, Kathleen K., MD16009; Eugene, Ore.

The Board on April 12, 2007 terminated the Stipulated Order of July 12, 2001. The Board did so because of the Licensee's successful compliance with the terms of the prior Order.

DOPSON, Warren F., MD16288; Eugene, Ore.

The Board on April 12, 2007 modified the Stipulated Orders of April 13, 2001 and January 18, 2002. The Board agreed to hold all terms of the Stipulated Orders in abeyance until the Licensee resumes the practice of medicine in the state of Oregon.

ERDE, Karen M., MD10738; Portland, Ore.

The Board on April 12, 2007 terminated the Corrective Action Order of April 15, 2005, due to the Licensee's successful compliance with the terms of the Order.

ERICKSON, Carl M., DO12690; Portland, Ore.

The Board on April 12, 2007 terminated the Corrective Action Order of July 14, 2005, due to the Licensee's successful compliance with the terms of the Order.

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Board Actions (continued from page 6)

GROSSBERG, Daniel A., LAc, AC00392; Santa Rosa, Calif.

The Board on April 12, 2007 modified the Stipulated Order of January 18, 2002. The Board agreed to hold all terms of the Stipulated Order in abeyance until the Licensee resumes the practice of acupuncture in the state of Oregon.

KNOWLTON, David A., MD20529; Eugene, Ore.

The Board on May 8, 2007 terminated the Stipulated Order of April 18, 2002, under the condition that the Licensee enter into a Corrective Action Order.

LOGAN, Jacqueline S., MD20914; Salem, Ore.

The Board on April 12, 2007 terminated the Stipulated Order of July 9, 2004, under the condition that the Licensee sign a Corrective Action Order requiring her to have her practice settings approved by the BME Medical Director.

MARTIN, Michael A., MD17608; Portland, Ore.

The Board on April 12, 2007 modified the Stipulated Order of May 14, 1997. The Board agreed to hold all terms of the Stipulated Order in abeyance until the Licensee resumes the practice of medicine in the state of Oregon.

RAY, Nancy T., DPM; DP00310; Astoria, Ore.

The Board on April 12, 2007 terminated the Corrective Action Order of July 15, 2005, due to the Licensee's successful compliance with the terms of the Order.

SILEN, Mark L., MD22074; Portland, Ore.

The Board on April 12, 2007 terminated the Corrective Action Order of January 12, 2006. The Board did so because of the Licensee's successful compliance with the terms of the prior Order.



NOTE: The BME Report and BME Website now list Board orders terminating or modifying previous orders. In addition, copies of these and all other public orders issued from 2005 to the present are available in Board Actions Report on the BME Website: www.oregon.gov/BME.

STATEMENTS OF PURPOSE

The mission of the Oregon Board of Medical Examiners is to protect the health, safety and well being of Oregon citizens by regulating the practice of medicine in a manner that promotes quality care.

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.

Oregon Administrative Rules (OAR) *Reviewed and Adopted by the Board of Medical Examiners*

ADOPTED RULES (Final Review)

The Board at its April 12-13, 2007 meeting adopted the following amendments to Oregon Administrative Rules (OAR), Chapter 847:

Medical / Osteopathic Physicians (MD/DO) and Physician Assistants (PA)

OAR 847-010-0110, Physicians and Physician Assistants to Honor Life-Sustaining Treatment Orders – The adopted rule specifies that physicians or physician assistants (PAs) shall respect and honor life-sustaining treatment orders executed by physicians, PAs or nurse practitioners.

The new rule language also stipulates that physicians or PAs must honor life-sustaining treatment orders regardless of whether or not the physicians, PAs or nurse practitioners who executed the orders have admitting privileges at the hospitals or facilities where the patients are treated.

Physicians (MD/DO)

OAR 847-020-0180, Endorsement or Reciprocity, Special Purpose Examination (SPEX) and Personal Interview – The adopted rule amendments specify that applicants for physician licensure may be required to demonstrate clinical competency if they have ceased the practice of medicine for a period of 12 or more consecutive months.

Emergency Medical Technicians (EMT)

OAR 847-035-0030, Scope of Practice – The adopted rule amendments:

- Allow physician assistants to sign life-sustaining treatment orders.
- Replace the term “chemical agents” with the term “organophosphate agents.”
- Remove the requirement that either supervising physicians provide EMTs-Basic (B) with direct verbal orders, or that EMTs-B be under the direction of EMTs-Paramedic (P) on the scene when EMTs-B administer atropine sulfate and pralidoxime chloride by auto injector in the event of the release of organophosphate agents.

EMTs-Basic are still be required to complete Department of Human Services (DHS)-approved training, and to use protocols adopted by supervising physicians prior to administering the drugs.

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OARs (continued from page 8)

Acupuncturists (LAc)

OAR 847-070-0016, Qualifications; OAR 847-070-0038, Limited License, Visiting Professor – The adopted rule amendments remove:

- The requirement that applicants must have passed the practical portion (Point Location Module) of the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) Acupuncture Certification Examinations in order to be deemed certified by the NCCAOM; and
- The criterion that applicants for the Limited License, Visiting Professor must establish to the satisfaction of the Board that they specifically have the skills and training equivalent to certification in acupuncture by NCCAOM.

The Board retained in rule the criterion that applicants must establish to the satisfaction of the Board that they have the skills and training equivalent to graduation from an Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) accredited acupuncture program.

PROPOSED RULES

(First Review)

The Board discussed these rule proposals on First Review, and passed them to Final Review:

Medical and Osteopathic Physicians (MD, DO)

OAR 847-017-0010, Patient Safety – The proposed rule amendment would add language to subsection (2) stating that:

- Effective August 1, 2007, offices or facilities in which office-based surgeries already are being performed must be accredited by August 1, 2009.
- When Board licensees start performing office-based procedures in new offices or facilities, those offices/facilities must be accredited within one (1) year of the starting date for the office-based procedures being performed.
- During the periods of time that facilities are in the accreditation process, those facilities must make changes to comply with OAR Chapter 847, Division 017.

OAR 847-020-0150, Documents and Forms to be Submitted for Licensure; OAR 847-020-0160, Letters and Official Grade Certifications to be Submitted for Licensure – The proposed rule amendments would delete from rule documents no longer required for physician licensure, as part of Board streamlining of the license application process. No requirements for qualifications or eligibility for licensure are proposed for deletion.

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OARs (continued from page 9)

OAR 847-023-0010, Documents and Forms to be Submitted for Licensure; OAR 847-023-0015, Letters and Official Grade Certifications to be Submitted for Licensure with Emeritus Registration – The proposed rules would:

- Establish application requirements for out-of-state physicians applying for Emeritus status under OAR Chapter 847, Division 023 (licensure of Volunteer Emeritus physicians); and
- Delete some licensure requirements set forth in OAR Chapter 847, Division 020 (rules for licensure to practice medicine), in order to streamline the application process for out-of-state physician applicants for Emeritus status.

Acupuncturists (LAc)

OAR 847-070-0018, Use of Name; OAR 847-070-0022, Documents to be Submitted for Licensure; OAR 847-070-0036, Limited License, Special; OAR 847-070-0037, Limited License, Postgraduate; OAR 847-070-0050, Acupuncture Advisory Committee – The proposed rule amendments would:

- Remove references to fees and requirements that are no longer required by the Board;
- Update a reference to another rule within Division 070, for numbering consistency;
- Specify that the Limited License, Postgraduate expires if the licensee fails the NCCAOM acupuncture certification examination, and;
- Remove specifications for Acupuncture Advisory Committee member term-ending dates now in the past.

Podiatric Physicians (DPM)

OAR 847-080-0013, Documents to be Submitted for Licensure; OAR 847-080-0017, Letters and Official Grade Certifications to be Submitted for Licensure; OAR 847-080-0018, Endorsement, Competency Examination and Personal Interview – The proposed amendments would delete from rule certain documents to be submitted for licensure, in line with the streamlining of the license application process. The new language also lists other items for podiatrists that are already required for physicians, so that the rules are similar to OARs for physicians.



Public Comment Regarding OARs

Comments concerning the proposed rules must be made to the Board in writing by Thursday, June 28, 2007. The Board will make Final Review of the proposed rules and rule amendments at its July 12-13, 2007 meeting.

The Board's mailing address is 1500 S.W. First Ave., Suite 620, Portland, OR 97201-5826. For more information on OARs, visit the BME Website at www.oregon.gov/BME or call (971) 673-2700. The toll-free (in Oregon) number is 1-877-254-6263.



The BME and Osteopathic Medicine —



A 100-YEAR PARTNERSHIP

The 1907 Legislature
gave the BME
responsibility for
examining, licensing
and regulating
Oregon's doctors of
osteopathic medicine.

In June 1907, Dr. F.E. Moore of La Grande was appointed by Governor Chamberlain as the first osteopathic physician to serve on the Oregon Board of Medical Examiners.

The Board promptly gave Dr. Moore the task of examining all applicants for licensure as osteopathic physicians and surgeons.

Later, a second osteopathic physician was added to the Board.

For 100 years, the Board's "D.O." members have made splendid contributions to the mission of public safety and well-being – as doctors of osteopathic medicine have contributed greatly to the health of the community!

Calendar of Meetings

JUNE

- 28 – Thurs. **Investigative Committee**, 8 a.m.
28 – Thurs. **Board of Medical Examiners** (*conference call*), Noon

JULY

- 11 – Wed. **Board of Medical Examiners / HPP Supervisory Council**, 6 p.m.
12 – Thurs. **Board of Medical Examiners**, 8 a.m. – 5 p.m.
13 – Fri. **Board of Medical Examiners**, 8 a.m. to close of business

AUGUST

- 2 – Thurs. **Investigative Committee**, 8 a.m.
2 – Thurs. **Board of Medical Examiners** (*conference call*), 4 p.m.

For more information, call the BME at (971) 673-2700, or toll free in Oregon: 1-877-254-6263

OREGON BOARD OF MEDICAL EXAMINERS
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