



OREGON MEDICAL BOARD *Report*

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www.oregon.gov/OMB

The Board Sends Retirement Wishes to One Member and Welcomes Another

After six years of dedicated service, Clifford Deveney, MD, has retired from the Oregon Medical Board. His last Board meeting was the April quarterly meeting.

Dr. Deveney was appointed to the Board in 2003 and reappointed in 2006. He served on the Board's Investigative and Administrative Affairs Committees, and was the Board liaison for the Advisory Council on Podiatry and the Oregon Medical Board/Health Professionals Program Liaison Committee.

Currently, Dr. Deveney is Professor and Vice-Chairman of the Department of Surgery at Oregon Health and Science University in Portland.

Keith A. White, MD, will join the Board at its July 2009 meeting. Dr. White is a family physician in Independence, Oregon. He also serves as a Clinical Professor of Family Medicine at Oregon Health and Science University, and has been an Oregon Medical Board consultant since 1996.

Dr. White has a record of public service that includes working for the U.S. Public Health Service in Juneau, Alaska from 1979-1981, and as a volunteer faculty for the PA Family Medicine Preceptorship at OHSU from 2002 to the present.

Dr. White is currently certified by the American Board of Family Medicine, and has received several honors over his career, including Oregon Family Physician of the Year in 2006.

Outside of the medical profession, Dr. White enjoys gardening, with a specific interest in rhododendrons, and serves on the Board of Directors for The Rhododendron Species Foundation and Botanical Garden. ♦

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techMed Creates Exciting Changes for the 2009 Renewal

During the last two years, the Oregon Medical Board has undertaken the task of combining its six databases into one cohesive licensing and case management system. We are pleased to announce that our new system, called techMed, will be up and running by Summer 2009.

The OMB staff have been immersed in taking an “off the shelf” product and creating a program that will meet the specific needs of the Board. The result is a single system that will contain all licensing and investigations information under one cyber roof.

With the transition from six disparate databases to one seamless system, we may experience some delays in processing applications. We ask for and appreciate your patience during this transition.

The most exciting update to the Board’s functioning will be **online license renewal**. Beginning Fall 2009, all licensees will be able to renew their licenses through a secure website linked to the OMB database.

With the addition of **online renewal**, it is imperative that licensees provide their correct mailing address to the Board. This will ensure that you receive information about the renewal process in a timely manner. You can find the change of address form on our website at www.oregon.gov/OMB/forms.shtml, or call 971-673-2700 if you have questions. ♦



FAQs from the OMB

Once a month, four physicians and one public member of the Board meet for a full day to review complaints and investigations. The Investigative Committee, as it is called, makes recommendations to the Full Board. In an effort to clarify certain issues that have come up at the Investigative Committee, the OMB is offering some answers to frequently asked questions.

If you have other questions or issues you would like addressed, please contact the OMB and we would be happy to tackle the question in a future issue of the newsletter. Email us at omb.info@state.or.us or call us at (971) 673-2700 or toll free at (877) 254-6263.

Q. “I’ve heard it can take some time to get an Oregon medical license. Is this true?”

A. Once your file is complete, meaning your application and all supporting documents and fees are received, your license will be issued within five business days. However, it can take considerably longer if there are issues with the application (personal history questions, issues with medical license(s) in other states, etc.).

Q. “I think I might drink too much, but I’m afraid to tell anyone for fear I’ll lose my license. What do I do?”

A. - A significant number of physicians have worked through their substance problems with the aid of the Oregon Health Professionals Program. The Board fully supports HPP and works with them to ensure that practicing physicians can continue to practice safely and serve the citizens of Oregon. Problems arise when physicians deny

their problem or try to hide it. Acknowledgement of a substance problem does NOT automatically lead to license suspension or revocation.

Q. “How long has the Oregon Medical Board been licensing physicians?”

A. Great question! This year marks the 120th anniversary of the Oregon Medical Board (formerly the Oregon Board of Medical Examiners). The Board is privileged to work with Oregon’s physicians, who constitute one of the finest groups of health care professionals in the country. ♦

The 2009 Renewal is Coming!

To ensure that you receive information on the new online renewal service offered by the OMB, please double check the address listed on this newsletter. This is the address that will be used for future communications about online renewal.

Board Discontinues the Appropriate Prescribing Workshop

At its April 2009 meeting, the Board voted to discontinue the Appropriate Prescribing Workshops (APW).

The APW was created in the late 1980s to educate physicians on appropriate prescribing of scheduled drugs. At its inception, the workshop was designed to accommodate physicians in Oregon who by Board order, were required to take an appropriate prescribing course.

Over the years, the number of Oregon licensees mandated to take the course has fallen significantly. In the last two years, no licensees have been required to take the workshop. Also, with the recent requirement of Pain Management CME, many other entities are now offering workshops, including a course that is offered by The Foundation for Medical Excellence.

Due to lack of participation, the Board voted to suspend the APW until a time when it may be beneficial to the Board's licensees. ♦



Diana Dolstra, Licensing Manager, Retires After 28 Years

The Oregon Medical Board celebrated Diana Dolstra's 28 year tenure with the agency on March 31, 2009.

Diana began her time with the Board in 1981 as the receptionist. Over the years, she climbed the agency ladder, spending time in the investigations unit before settling into the licensing department.

In 1999, Diana became the Licensing Manager. She helped begin the process of streamlining the Board's licensing process and strived to make the application process easier for licensees.

Over the years, Diana became the pillar of knowledge when it came to the history and administrative rules of the Board. Her wealth of experience with the agency has allowed the Board to understand where it has come from and what direction it is heading.

Diana officially retired on March 31. The new Licensing Manager, Malar Ratnathicam, comes to the Board from the Oregon Bureau of Labor and Industries. She started with at OMB in October 2008. She has a long history working for the state and has jumped right in learning about the OMB. ♦

Board Actions

January 16, 2009 to April 15, 2009

Disciplinary Orders

Reportable to the National Practitioner Data Bank (NPDB)

ALLISON, James Charles, PA; PA00232

Nyssa, OR

Licensee entered into a Stipulated Order with the Board on March 5, 2009. In this Order, the Licensee agreed to retire his Oregon physician assistant license while under investigation. The Licensee promised never to reapply for an Oregon physician assistant license again.

BASKERVILLE, Mark John, MD; MD23614

Springfield, OR

Licensee entered into a Stipulated Order with the Board on April 9, 2009. In this Order, the Licensee agreed to a reprimand and a two-year license suspension. The Licensee will remain abstinent from the use of all intoxicants, controlled substances and psychoactive substances unless prescribed by his treating physician. After the passage of two years, and prior to submitting an application for an active license, the Licensee shall undergo a multi-disciplinary evaluation. Licensee agreed to surrender his DEA registration. Licensee will present a re-entry plan that addresses his medical knowledge and clinical practice skills. Should the Board decide to activate his license, Licensee shall be placed on probation with several conditions. This Order includes an attachment entitled "Rulings on Motions to Strike and Proposed Order" written by an Administrative Law Judge on February 9, 2009.

GEARHART, Mark Ross, MD; MD13080

Lake Oswego, OR

The Board issued a Final Order on April 15, 2009. The terms of this Order are as follows: Reprimand; assessed 50% of the costs related to this action; license suspension until Dr. Gearhart can provide satisfactory evidence to the Board that he has the physical and mental capacity to safely and competently practice medicine and that he possesses the necessary medical competence to practice medicine safely in the state or Oregon.

GEVURTZ, John Milton, MD; MD06871

Portland, OR

The Board issued a Final Order on April 15, 2009. This Order denied Licensee's application for reactivation of his Oregon medical license.

GUERREIRO, John Palma, MD; MD26933

Portland, OR

Licensee entered into a Stipulated Order with the Board on April 9, 2009. In this Order, the Licensee agreed to a reprimand and was placed on probation with quarterly interviews with the Board. In addition, a medically trained chaperone shall be present for the entire duration of any examination, treatment, or interaction involving the pelvic or breast area of female patients 12 years of age or older. Licensee shall avoid any social contact with any female patient or immediate female family member of any patient outside the clinic setting. Licensee shall continue psychotherapy and successfully complete a professional boundary course. Licensee must provide a copy of this Order to all current health care employers.

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Board Actions

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HARRIS, Henry Freeman, MD; MD09151

Lake Oswego, OR

Licensee entered into a Stipulated Order with the Board on April 9, 2009. In this Order, the Licensee agreed to a reprimand and was placed on probation with quarterly interviews with the Board. Licensee also must remain abstinent from the use of all intoxicants, controlled substances and psychoactive substances unless prescribed by his treating physician. Licensee must enroll in the Board's Health Professionals Program and shall remain enrolled throughout his career. Licensee will not self-prescribe medications and will not prescribe for family members.

LUTY, Jeffrey Alexander, MD; MD18850

Portland, OR

Licensee entered into a Stipulated Order with the Board on April 9, 2009. In this Order, the Licensee agreed to surrender his Oregon medical license while under investigation. The Board will reopen the matter should Licensee ever reapply for any form of a medical license in Oregon. At that time, Licensee will also be expected to undergo a multi-disciplinary evaluation and provide verifiable proof of sobriety. Licensee will be required to submit a re-entry plan regarding his medical knowledge.

VONBORSTEL, Robert Carsten, MD; MD22078

Lake Oswego, OR

Licensee entered into a Stipulated Order with the Board on February 5, 2009. In this Order, the Licensee agreed to surrender his Oregon

medical license while under investigation. Licensee was also fined \$2,500. Should Licensee seek relicensure in the future, he will be required to undergo a multi-disciplinary evaluation and present a re-entry plan, both of which are subject to review and approval by the Board.

Corrective Action Orders

Corrective Action Orders are not disciplinary actions, 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).

ANDERSON, Molly West, MD; MD29134

Portland, OR

Applicant entered into a Corrective Action Order with the Board on April 9, 2009. In this Order, the Applicant agreed to practice under a practice mentor for a period of one year under the conditions specified in the mentoring plan. The practice mentor shall submit written quarterly progress reports to the Board. Applicant shall complete her re-entry plan to include passing SPEX and documenting 58.5 hours of category I CME. Once the Applicant completes the terms of this Order, or becomes recertified with the American Board of Family Medicine, Applicant can submit written documentation of her successful compliance to the Board and request that this Order be terminated. This is not a disciplinary action.

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Board Actions

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FREEMAN, Rees Guthrie, MD; MD13996

Roseburg, OR

Licensee entered into a Corrective Action Order with the Board on April 9, 2009. In this Order, the Licensee agreed to retire his Oregon medical license and may not practice any form of medicine in Oregon. Should Licensee decide to return to active practice, the Board will conduct an investigation into his ability to safely practice medicine, to include a neurological evaluation and an evaluation of his medical competence.

FU, Yi

Portland, OR

Applicant entered into a Corrective Action Order with the Board in which the Board agreed to grant him an active Oregon acupuncture license under the condition that he completes a mentorship program. This is not a disciplinary action.

GLASSNER, Lisa Marie

Eugene, OR

Applicant entered into a Corrective Action Order with the Board in which the Board agreed to grant her an active Oregon acupuncture license under the condition that she completes a mentorship program. This is not a disciplinary action.

POSTON, Hudson Cartwright Elizabeth

Frances, AC; AC01278

Portland, OR

Licensee entered into a Corrective Action Order with the Board on March 5, 2009. In this Order, the Licensee agreed to complete

a 20-hour mentorship with an approved acupuncturist. This is not a disciplinary action.

Prior Orders Modified or Terminated

BERNARDO, Peter Augusto, MD; MD17631

Salem, OR

The Board issued an Order Terminating Corrective Action Order on April 9, 2009. This Order terminated the Licensee's January 12, 2006 Corrective Action Order.

BOGART, Larry Frank, MD; MD20341

Roseburg, OR

The Board issued an Order Terminating Stipulated Order on April 9, 2009. This Order terminated Licensee's September 23, 2004 Stipulated Order.

CALCAGNO, John Anthony, MD; MD14823

Gresham, OR

The Board issued an Order Terminating Stipulated Order on April 9, 2009. This Order terminated Licensee's August 21, 2006 Stipulated Order.

CROWLEY, Alice Dieter, PA; PA01223

Jordan Valley, OR

The Board issued an Order Terminating Corrective Action Order on April 9, 2009. This Order terminates Licensee's April 12, 2007 Corrective Action Order.

GLASSNER, Lisa Marie, AC; AC01270

Eugene, OR

The Board issued an Order Terminating Stipulated Order on October 16, 2008. This Order terminates Licensee's April 17, 2003 Stipulated Order.

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Board Actions

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HARTFORD, James Thomas, MD; MD 06231

Tigard, OR

The Board issued an Order Terminating Stipulated Order on April 9, 2009. This Order terminated the Licensee's July 10, 2008 Stipulated Order.

JACKSON, John William, MD; MD13335

Medford, OR

The Board issued an Order Terminating Corrective Action Order on April 9, 2009. This Order terminated Licensee's July 10, 2008 Corrective Action Order.

MAKKER, Vishal James, MD; MD23879

Portland, OR

The Board issued an Order Terminating Corrective Action Order on April 9, 2009. This Order terminated Licensee's September 26, 2006 Corrective Action Order.

TEPLICK, Stanley Bruce, MD; MD19317

Beaverton, OR

The Board issued an Order Terminating Stipulated Order on April 9, 2009. This Order terminated Licensee's March 3, 2005 Stipulated Order.

WIGGINS, Lloyd Harvey, MD; MD13214

Corvallis, OR

The Board issued an Order Terminating Stipulated Order on April 9, 2009. This Order terminated Licensee's May 6, 2004 Stipulated Order.

Note: Copies of most Board Orders issued from 1998 to the present are available for viewing on the OMB website: www.oregon.gov/OMB. ◆

Statements of Purpose

The mission of the Oregon Medical Board 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 *OMB 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

Rules proposed and adopted by the Oregon Medical Board.

About OARs

The Oregon Medical Board and other state regulatory agencies operate under a system of administrative rules, in order to ensure fairness and consistency in their procedures and decisions. Periodically, these Oregon Administrative Rules (OAR) must be amended and/or expanded in response to changing standards and circumstances.

OARs are written and amended in accordance with state laws (Oregon Revised Statutes or ORS), which may be enacted, amended or repealed only by the Legislature.

Temporary Rules

The Board adopted this rule by temporary rule adoption on March 30, 2009, and approved the First Review of this rule at the same time. Rules approved by temporary rule adoption must follow the same procedure for regular rule adoption, by going through a First and a Final Review within the 180 days allowed by the temporary rule adoption procedure before being permanently adopted.

Physicians (MD/DO)

OAR 847-020-0170, Written Examination — Proposed rule amendment grants a waiver to exam attempt requirements for applicants for licensure who are basing licensure on the Federation Licensing Examination (FLEX) examination.

The waiver is consistent with the waiver regarding number of attempts to pass the exam as allowed for the National Board of Medical Examiners (NBME), National Board of Osteopathic Examiners (NBOME), and United States Medical Licensing Examination (USMLE) examinations. An applicant for licensure may qualify for the waiver if the applicant has current certification by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association Bureau of Osteopathic Specialties

Proposed Rules

First Review

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

Physicians (MD/DO)

OAR 847-020-0170, Written Examination — Proposed rule amendment grants a waiver to exam attempt requirements for applicants for licensure who are basing licensure on the Federation Licensing Examination (FLEX) examination. The waiver is consistent with the waiver regarding number of attempts to pass the exam as allowed for the National Board of Medical Examiners (NBME), National Board of Osteopathic Examiners (NBOME), and United States Medical Licensing Examination (USMLE) examinations. An applicant for licensure may qualify for the waiver if the applicant has current certification by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association Bureau of Osteopathic Specialties.

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Oregon Administrative Rules

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Emergency Medical Technicians (EMTs)

OAR 847-035-0030, Scope of Practice — The proposed rules delete references to emergency and non-emergency care in the First Responder and EMT scope of practice and also clearly states which airway devices a First Responder with a supervising physician may use to “maintain an open airway.”

Adopted Rules

Final Review

All Licensees

OAR 847-001-0030, Approval of Interim Stipulated Orders — The adopted rule adds authority to Board’s Medical Director to approve Interim Stipulated Orders (limitation on license) if the Board’s Executive Director is not available, so that Orders may become public information and be released to hospitals and health care facilities, in the interest of protecting the public.

OAR 847-0008-0060, Notification of Change of Location — The adopted rule change requires the licensee to notify the Board of a change in residence, practice or mailing address within 30 days of the change.

OAR 847-010-0073, Reporting Incompetent or Impaired Licensees to the Board — The adopted rule change expands the definition of Unprofessional Conduct, and also expands the list of behaviors that constitute Sexual Misconduct.

OAR 847-065-0000 — The adopted rule amendment changes the name of the Diversion Program Supervisory Council to the Health Professionals Program Supervisory Council and increases the size of the council from five to seven members.

Emergency Medical Technicians (EMTs)

OAR 847-035-0030, Scope of Practice — The adopted rule change allows EMT-Ps to access indwelling catheters and implanted central IV ports for fluid and medical administration; adds language that EMT-Ps may administer any medication or blood product after adequate and appropriate instruction, including risks, benefits and use of the medication; and allows EMT-Ps to initiate and interpret ECG monitoring.

For more information on OARs, visit the OMB website at www.oregon.gov/OMB, or call (971) 673-2700. ◆

It’s The Law

You must notify the OMB within 30 days of changing your practice, residential or mailing address.

To help ensure that you receive your license renewals and other important information on time, call the OMB for an address-change form, 971-673-2700, or print the form from www.oregon.gov/OMB/forms.shtml

Update on CME Requirements

After receiving the last OMB Report, several physicians called and wrote the Board expressing concerns about the new CME requirements that the Board is considering.

At its April 2009 meeting, the Board spent a considerable amount of time discussing different ideas around sanctions for not meeting the CME requirements. Ultimately, the Board decided to table further discussion about sanctions until a later meeting.

Although that conversation did not result in a decision, the Board members were able to answer some of the questions that licensees have been asking.

Here are answers to the top four questions that the Oregon Medical Board staff has received from licensees regarding CME requirements:

- For MD/DOs, the amount of CME required will be 60 hours over a two year period, rather than 30 hours each year, as previously stated.
- Licensees are required to have either 60 hours of Category 1 CME or be board certified in their specialty, whichever is higher. Licensees cannot be grandfathered in (if an individual is not required to recertify with his/her board, then he/she must meet 60 hours of CME per two years).
- Emeritus and inactive licensees **are not** required to meet CME requirements for licensure.
- New applicants do not need to meet CME requirements. ♦

For more information about the Oregon Medical Board

Contact

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971-673-2700

1-877-254-6263

www.oregon.gov/OMB



Visit

www.oregon.gov/OMB



CALENDAR OF MEETINGS

June

3 - Wednesday
Liaison Committee
6 p.m.

4 - Thursday
Investigative Committee
8 a.m.

9 - Tuesday
HPP Supervisory Council
9 a.m.
SW Hampton St., Suite 130,
Tigard, (503) 620-9117

11 - Wednesday
Administrative Affairs
Committee
5 p.m.

11 - Thursday
Physician Assistant
Advisory Committee
9:30 a.m.

12 - Thursday
Acupuncture
Advisory Committee
12:00 p.m.

25 - Thursday
Investigative Committee
8 a.m.

July

9 & 10 - Thurs. and Friday
Medical Board
8 a.m.

August

4 - Thursday
Investigative Committee
8 a.m.

14 - Friday
EMT Advisory Committee
9 a.m.

*All meetings are at the OMB
offices in Portland, unless
otherwise indicated. Meeting
schedules are subject to change.
Call 971-673-2700 for
more information.*