

Oregon Medical Board
BOARD ACTION REPORT
August 16, 2008 – September 15, 2008

The information contained in this report summarizes new interim and final actions taken by the Oregon Medical Board between **August 16, 2008 - September 15, 2008**.

Scanned copies of Interim Stipulated Orders, Orders of Emergency Suspension, Stipulated Orders, Final Orders, Termination Orders, Modification Orders and Voluntary Limitations are included at the end of this report in the order that they appear in the report. These orders are marked with an * asterisk. **Scanned copies of Corrective Action Orders are not posted as they are not disciplinary action and impose no practice limitations.** Complaint and Notices of Proposed Disciplinary Action are not listed in this report as they are not final actions by the Board. Both Orders, however, are public and are available upon request as described below.

Printed copies of the Board Orders listed below are available to the public. To obtain a printed copy of a Board Order, please complete a [service request form](#) on the Board's web site, submit it with the \$10.00 fee *per licensee* and mail to:

**Oregon Medical Board
1500 SW 1st Ave, Ste 620
Portland, OR 97201**

Copies of the Orders listed below are mailed to Oregon hospitals where the Licensee had self-reported that he/she has privileges.

***CASPERSEN, LEROY SKIBSTED, MD; MD05863; TIGARD, OR**

Licensee entered into an Interim Stipulated Order with the Board on September 11, 2008. In this Order, Licensee agreed not to treat female patients 16-years-of-age or older unless he has a female chaperone present during the entire clinical interaction. The presence of the chaperone will be immediately documented in the patient chart. Licensee must provide a copy of this Order to the clinic administrator or manager of every healthcare facility where he provides medical care.

***COOK, Robert Dale, MD; MD07347; Tualatin, OR**

The Board issued an Order Terminating Interim Stipulated Order on September 4, 2008. This Order terminated Licensee's April 11, 2008 Interim Stipulated Order.

***MCQUEEN, Robert Jerome, MD; MD14655; Newberg, OR**

Licensee entered into a Stipulated Order with the Board on September 4, 2008. In this Order, Licensee was placed on five years of probation; reprimanded; shall report in person to the Board at each of its quarterly meetings; shall enroll in the Physicians Evaluation Education and Renewal (PEER) program of the Oregon Medical Association within 30 days from the date of this Order and shall successfully complete PEER within 24 months from the date of his enrollment in PEER; shall enroll in and successfully complete a course in medical charting and a course in family practice medicine within 60 days from signing this Order.

***MEHARRY, LEROY IRWIN, MD; MD11421; Umatilla, OR**

Licensee entered into an Interim Stipulated Order with the Board on September 10, 2008. In this Order, Licensee agreed to voluntarily withdraw from practice pending the completion of the Board's investigation. As of this date, Licensee's license status will be changed to inactive.

***VAN PETT, Kasia, MD; MD20623; Eugene, OR**

The Board issued an Order of Emergency Suspension on September 10, 2008. The Board took this action based on its immediate concerns regarding the safety and welfare of Licensee's current and future patients.

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.

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
LEROY SKIBSTED CASPERSEN, MD) INTERIM STIPULATED ORDER
LICENSE NO. MD05863)
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1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Leroy Skibsted Caspersen (Licensee) is a licensed physician in the state of Oregon.

2.

The Board received credible information that the Licensee is a suspect in a criminal investigation involving two separate and independent events at his medical practice related to allegations concerning sexual abuse. The results of the Board's investigation to date have raised concerns to the extent that the Board believes it necessary that Licensee agree to the below listed terms regarding his practice of medicine until the investigation is completed.

3.

In order to address the concerns of the Board, Licensee and the Board agree to enter into this Interim Stipulated Order, which provides that Licensee shall comply with the following conditions effective the date this Order is signed by Licensee:

3.1 Licensee will not see female patients 16-years-of-age or older in any clinical setting without a medically trained female chaperone being present throughout the entirety of the clinical interaction. The presence of the chaperone will be immediately documented in the patient chart at the time of the patient encounter.

3.2 Licensee will provide a copy of this order to the clinic administrator, manager, or

1 director of every healthcare facility where he provides medical services.

2 3.3 Licensee consents to no notice inspections by Board Investigative Staff for every
3 healthcare facility where he provides medical services to ensure compliance with this order.

4 3.4 Licensee understands that violating any term of this Order will be grounds for
5 disciplinary action under ORS 677.190(18).

6 4.

7 At the conclusion of the Board's investigation, Licensee's status will be reviewed in an
8 expeditious manner. If the Board determines, following that review, that these restrictions shall
9 not be lifted, Licensee may request a hearing to contest that decision.

10 5.

11 This order is issued by the Board pursuant to ORS 677.265(2) for the purpose
12 of protecting the public, and making a complete investigation in order to fully inform itself with
13 respect to the performance or conduct of the Licensee and Licensee's ability to safely and
14 competently practice medicine. Pursuant to ORS 677.425, Board investigative materials are
15 confidential and shall not be subject to public disclosure, nor shall they be admissible as
16 evidence in any judicial proceeding. However, as a stipulation this order is a public document.

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18 IT IS SO STIPULATED THIS 11 day of Sept., 2008.

19 SIGNATURE WITHHELD MD

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22 IT IS SO ORDERED THIS 11th day of September, 2008.

23 State of Oregon
24 OREGON MEDICAL BOARD

25 SIGNATURE WITHHELD

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27 KATHLEEN HALEY, JD U
EXECUTIVE DIRECTOR

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
ROBERT JEROME MCQUEEN, MD) STIPULATED ORDER
LICENSE NO. MD14655)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Robert Jerome McQueen, M.D. (Licensee) is a licensed physician in the state of Oregon.

2.

The Board proposed taking disciplinary action pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, as set forth in the Board's Complaint and Notice of Proposed Disciplinary Action, dated January 12, 2007.

3.

The Board's investigation, to include a review of medical charts for Patients A – H, reveal that Licensee engaged in a pattern of unethical practices, to include writing false patient chart entries, such as notes regarding examinations and diagnoses before seeing his patients in a face to face clinical setting and falsely stating that he had conducted a complete examination. In addition, Licensee's chart notes are often illegible, record that he performed a complete examination without medical justification, and on occasion failed to identify the dosage or duration of treatment with antibiotics. Specific issues with the charts pertaining to Patients A – H that breached the standards of professional conduct are described below:

3.1 Patient A presented before Licensee in July 2005 with complaints of an earache in her left ear and swollen glands on the left side of her neck. Licensee's final diagnosis recorded on

1 the chart was "otitis media" (ear infection), but the discharge diagnosis was pharyngitis (sore
2 throat). Licensee prescribed two antibiotics, azithromycin (Zithromax) and cephalexin (Keflex),
3 for Patient A without explanation or medical justification, instead of prescribing a single antibiotic.
4 Licensee also informed Patient A without medical justification that the swollen glands in her neck
5 could represent metastatic breast cancer. In response, Patient A incurred unnecessary emotional
6 trauma and expense by canceling a vacation and obtaining a second opinion.

7 3.2 Patient B presented in February 2005 complaining of a sinus infection, "pain and
8 pressure." Licensee diagnosed sinusitis and asthma. Licensee's findings are not supported by the
9 patient's history or the examination. On March 18, 2005, Patient B presented with complaints of
10 chest congestion and shortness of breath. Licensee's diagnosis for this visit was cough and
11 asthma. Licensee treated Patient B with an antibiotic and an intramuscular injection of
12 trimcinolone (Kenalog), a steroid. A review of the documentation in the chart reveals that
13 Licensee lacked medical justification to treat Patient B's symptoms with an injection of Kenalog
14 and he failed to follow Patient B in the manner expected if she really suffered from asthma.

15 3.3 Licensee diagnosed sinusitis for Patient C in December 2005, but this finding is not
16 supported by what Licensee recorded in the chart.

17 3.4 Licensee made chart notes in advance of seeing Patient D in December 2005, only
18 to have Patient D leave the clinic without actually being examined and not having been seen by the
19 Licensee. Nevertheless, Licensee billed this patient visit under CPT billing code 99202 (an office
20 or other outpatient visit that includes an expanded problem focused history examination and
21 medical decision-making).

22 3.5 Patient E presented before Licensee in September and November of 2005. Patient
23 E's chief complaint in September 2005 was about a mole on his leg that he thought might be a
24 possible cancer. Licensee recorded a complete physical examination for both patient visits, but
25 failed to describe the skin lesion, although he performed a 2 mm punch biopsy. Licensee billed
26 Patient E's November 2005 visit under CPT billing code 99213 (an office or other outpatient visit

1 that includes an expanded problem focused history examination and medical decision-making of
2 low complexity) without reasonable justification.

3 3.6 Licensee diagnosed sinusitis for Patient F in October 2005, but this finding is not
4 supported by Licensee's recorded negative findings or the patient's history.

5 3.7 Licensee's diagnosis of cough and otitis media for Patient G in December 2005 was
6 not justified by the history and findings recorded in the chart.

7 3.8 Patient H presented in November 2005 complaining of a burning pain in his right
8 eye. Licensee documented conducting a complete medical examination (which is both unlikely
9 and unnecessary given the complaint), but failed to record the patient's actual vision.

10 4.

11 Licensee and the Board desire to settle this matter by entry of this Stipulated Order.
12 Licensee understands that he has the right to a contested case hearing under the Administrative
13 Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the
14 right to a contested case hearing and any appeal there from by the signing of and entry of this
15 Order in the Board's records. Licensee neither admits or denies, but the Board finds, that Licensee
16 engaged in the conduct described in paragraph 3 and that this conduct violated the Medical
17 Practice Act set forth in paragraph 3 by violating ORS 677.190(14) repeated acts of negligence and
18 ORS 677.190(19) failing to report the change of practice location.

19 5.

20 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order,
21 subject to the following terms and conditions of probation:

22 5.1 Licensee is reprimanded.

23 5.2 Licensee is placed on probation for five years and shall report in person to the
24 Board at each of its quarterly meetings at the scheduled times for a probation interview, unless
25 otherwise directed by the Board or its Investigation Committee.

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1 5.3 Licensee will enroll in the Physicians Evaluation Education and Renewal (PEER)
2 program of the Oregon Medical Association within 30 days from the date this Order is signed by
3 the Board Chair. Licensee will successfully complete PEER within 24 months from the date of his
4 enrollment in PEER. PEER will provide written evaluation and progress reports to the Board and
5 Licensee will sign all necessary consent forms to allow full communication between PEER and
6 Board staff.

7 5.4 Within 60 days from the signing of this Order by the Board Chair, Licensee will
8 enroll in and successfully complete a course in medical charting and a course in family practice
9 medicine that are pre-approved by the Board's Medical Director.

10 5.5 Licensee shall obey all federal and Oregon laws and regulations pertaining to the
11 practice of medicine.

12 5.6 Should Licensee be absent from this state for any period of time which would
13 interfere with meeting the requirements of these terms of probation, Licensee shall request written
14 pre-approval from the Board for alternative means of satisfying those terms. Failure to receive
15 Board pre-approval will result in an extension of this probation for any period of time in which
16 Licensee resides or practices medicine outside the state of Oregon and may also result in other
17 action, to include disciplinary action, as may be deemed appropriate by the Board.

18 5.7 Licensee stipulates and agrees that any violation of the terms of this Order shall be
19 grounds for further disciplinary action under ORS 677.190(18).

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6.

This Order becomes effective the date it is signed by the Board Chair. Licensee understands that this Order is a public record and is a disciplinary action that is reportable to the National Practitioner Data Bank.

IT IS SO STIPULATED this 28th day of August, 2008.

SIGNATURE WITHHELD

IT IS SO ORDERED this 4th day of Sept., 2008.

OREGON MEDICAL BOARD

SIGNATURE WITHHELD

PATRICIA L. SMITH
Board Chair

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
 LEROY IRWIN MEHARRY, MD)
 LICENSE NO. MD11421) INTERIM STIPULATED ORDER
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1.

9 The Oregon Medical Board (Board) is the state agency responsible for licensing,
 10 regulating and disciplining certain health care providers, including physicians, in the state of
 11 Oregon. LeRoy I. Meharry, MD (Licensee) is a licensed physician in the state of Oregon and
 12 holds an active license.

2.

13 Licensee entered into a Stipulated Order with the Board on April 15, 2005, which placed
 14 certain limitations and restrictions on his medical practice. The Board received credible
 15 information that the Licensee may have violated the terms and conditions of his Stipulated Order
 16 and initiated an investigation. The results of the Board's investigation to date have raised concerns
 17 to the extent that the Board believes it necessary that Licensee agree to cease the practice of
 18 medicine until the investigation is completed.

3.

19 In order to address the concerns of the Board, Licensee and the Board agree to the entry of
 20 this Interim Stipulated Order, which provides that Licensee shall comply with the following
 21 conditions:

22 3.1 Licensee voluntarily withdraws from the practice of medicine pending the
 23 completion of the Board's investigation.

24 3.2 Licensee's Oregon medical license shall be placed on Inactive status effective the
 25 date Licensee signs this Order.
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1 3.3 Licensee understands that violating any term of this Order will be grounds for
2 disciplinary action under ORS 677.190 (18).

3 4.

4 At the conclusion of the Board's investigation, Licensee's status will be reviewed in an
5 expeditious manner. If the Board determines, following that review, 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 677.420 (1) for the purpose of making a
10 complete investigation in order to fully inform itself with respect to the performance or conduct of
11 the Licensee and Licensee's ability to safely and competently practice medicine. Pursuant to ORS
12 677.425. Board investigative materials are confidential and shall not be subject to public
13 disclosure, nor shall they be admissible as evidence in any judicial proceeding. However, as a
14 stipulation this order is a public document.

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17 IT IS SO STIPULATED THIS 10 day of Sept., 2008.

18 SIGNATURE WITHHELD

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21 IT IS SO ORDERED THIS 10th day of September, 2008.

22 OREGON MEDICAL BOARD
23 State of Oregon

24 SIGNATURE WITHHELD

24 EXECUTIVE DIRECTOR
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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
KASIA VAN PETT, MD) ORDER OF EMERGENCY
LICENSE NO. MD20623) SUSPENSION

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Kasia Van Pett, MD (Licensee) is a licensed physician in the state of Oregon.

2.

Licensee is a non-board certified neuro-surgeon who formerly practiced at the Neuro-Spine Institute in Eugene. On March 4, 2004, Licensee entered into a Corrective Action Order (CAO) with the Board in which she agreed to obtain continuing medical education (CME) related to endoscopic carpal tunnel surgery. The CAO required Licensee to successfully perform 10 endoscopic carpal tunnel surgeries under the supervision of a mentor before performing them solo.

3.

3.1 The Board opened two investigations into Licensee's practice based upon concerns related to delinquent charting and an allegation of a wrong-site surgery in January 2005. The Board's investigations reveal that Licensee was chronically late in her charting—as much as 18 months behind on many charts. Despite repeated requests to correct this deficiency from her clinic, Licensee failed to take effective action to address her delinquent charting. Delinquent charting has the potential of adversely impacting patient care. Licensee has also

1 failed to respond to repeated patient requests to provide access to or copies of charts. Licensee
2 resigned from the Neuro-Spine Institute in December 2007.

3 3.2 In January 2007, Patient A requested that Licensee provide her a copy of her
4 medical records, but never received a meaningful response. Licensee failed to complete Patient
5 A's records, so the Neuro-Spine Institute could not satisfy this request. Licensee failed to
6 provide Patient A access to or a copy of her medical records, as required by OAR 847-012-0000.

7 3.3 In the spring of 2008, Board investigators corresponded with Licensee in regard
8 to matters under investigation and requested copies of identified delinquent medical records.
9 Licensee has failed to respond to the Board's requests for copies of hand-written chart notes.

10 3.4 Licensee performed a cervical fusion procedure on Patient B in January 2005, to
11 address an injury sustained during a motor vehicle accident. Licensee performed this surgery,
12 but it was done at the wrong location. Licensee failed to timely inform Patient B of this error
13 after the operation. Licensee has failed to provide the Board with a written response to this
14 investigation.

15 3.5 Board investigators attempted to maintain contact with Licensee throughout the
16 summer of 2008, and made repeated requests for information. Licensee failed to respond to
17 these Board requests for information, and has not responded to phone calls or correspondence
18 from the Board's staff. Licensee's current location is unknown, despite a requirement that each
19 licensee of the Board report each change in practice location and mailing address no less than 30
20 days after the change, OAR 847-008-0060.

21 3.6 The conduct identified above and Licensee's failure to respond to multiple Board
22 attempts to communicate with her, causes the Board to conclude that Licensee lacks the ability at
23 this time to safely and competently practice medicine.

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4.

Based on the above information, the Board has determined that Licensee's continued practice constitutes an immediate danger to the public and that she should not be practicing medicine. The Board orders that pursuant to ORS 677.205(3), the license of Kasia Van Pett, MD be suspended on an emergency basis and that Licensee immediately cease the practice of medicine until otherwise ordered by the Board.

IT IS SO ORDERED this 10th day of September, 2008.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE WITHHELD

PATRICIA L. SMITH
Board Chair