

Oregon Medical Board
BOARD ACTION REPORT
July 15, 2013

The information contained in this report summarizes new, interim, and final actions taken by the Oregon Medical Board between June 16, 2013 and July 15, 2013.

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 Agreements and Consent Agreement are not posted, as they are not disciplinary action and impose no practice limitations.** Complaint and Notices of Proposed Disciplinary Action are not listed in this report, as they are not final actions by the Board. Both Orders, however, are public and are available upon request.

Printed copies of the Board Orders not provided with this report are available to the public. To obtain a printed copy of a Board Order not provided in this report, please complete a Service Request Form (<http://egov.oregon.gov/BME/PDFforms/VerDispMalFillin.pdf>) found under the Licensee Information Request Form link on the Board's web site, submit it with the \$10.00 fee *per licensee* and mail to:

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

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

***Anderson, John Michael Jeremy, DO; DO26732; Hermiston, OR**

On July 11, 2013, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's April 5, 2013, Corrective Action Agreement.

***Baskerville, Mark John, MD; MD23614; Portland, OR**

On July 12, 2013, the Board issued an Order Modifying Stipulated Order. This Order modifies Licensee's April 9, 2009, Stipulated Order, allowing Licensee to utilize an institutional DEA license.

***Battey, Richard Roy, MD; MD18143; Grants Pass, OR**

On July 11, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct, and gross or repeated acts of negligence. This Order reprimands Licensee; fines Licensee \$7,500; subjects Licensee's practice to no-notice audits; requires Licensee to obtain a physician mentor; requires that a chaperone be present when treating females aged 16 or over; and prohibits Licensee from dating patients and treating friends or employees.

***Borland, Duncan Blair, DO; DO23780; Portland, OR**

On July 11, 2013, the Board issued an Order Terminating Corrective Action Order. This Order terminates Licensee's April 18, 2002, Corrective Action Order.

***Cornwall, Marcus Homer, DO; DO23052; Milwaukie, OR**

On July 11, 2013, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to enroll in the Center for Personalized Education for Physicians (CPEP) program and complete any educational plan designed by the CPEP program.

***Coyne, Kelly Shawn, PA; Applicant; Portland, OR**

On July 11, 2013, Applicant entered into a Consent Agreement with the Board. In this Agreement, Applicant agreed to practice under the personal supervision of his supervising physician for 60 days and adhere to 100% chart review by his supervising physician for 60 days.

***Daniels, Wendee Doreen, LAc; AC00533; Bend, OR**

On July 11, 2013, the Board issued a Default Order for unprofessional or dishonorable conduct for obtaining any fee by fraud or misrepresentation; and willfully disobeying any rule adopted by the Board, Board order, or failing to comply with a Board request. This Order revokes Licensee's acupuncture license and assesses a \$5,000 civil penalty.

***Dew, Leigh Anne, MD; MD21140; Gresham, OR**

On July 11, 2013, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's June 2, 2011, Stipulated Order.

***Foster, William Austin, MD; MD154370; Medford, OR**

On July 11, 2013, Licensee entered into a Stipulated Order with the Board. This Order retires Licensee's medical license while under investigation.

***Gates, Lawrence Keith, Jr., MD; MD23505; Salem, OR**

On July 11, 2013, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's October 11, 2012, Corrective Action Agreement.

***Hasan, Shagufta Anbereen, MD; MD20989; Portland, OR**

On June 28, 2013, Licensee entered into an Interim Stipulated Order to voluntarily cease the performance of any circumcisions pending the completion of the Board's investigation into her ability to safely and competently perform this procedure.

***Heen, Kimo Kaukaohu, PA; PA00808; Portland, OR**

On July 11, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; gross or repeated negligence in the practice of medicine; and willfully disobeying any Board rule. This Order reprimands Licensee, assesses a \$2,000 fine, and requires Licensee to complete pre-approved medical documentation and medical ethics courses.

***Kane, David Henach, MD; MD28773; Bend, OR**

On July 12, 2013, Licensee entered into a Stipulated Order with the Board. This Order permanently retires Licensee's medical license.

Kemp, Judith Marie, MD; MD26365; Hillsboro, OR

On July 11, 2013, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete the educational recommendations from the CPEP assessment; establish a relationship with a Board approved preceptor who will submit quarterly reports to the Board; open her practice to a Board directed audit; and undergo a follow-up evaluation by a Board approved healthcare provider.

Leimert, Joseph Thompson, II, MD; MD12081; Portland, OR

On July 11, 2013, Licensee entered into a Consent Agreement with the Board. In this Agreement, Licensee agreed to practice under the supervision of a Board approved mentor and complete the American Board of Internal Medicine's Maintenance of Certification program in medical oncology.

***Lotina, Thomas Merrill, LAc; Applicant; Bend, OR**

On July 11, 2013, the Board issued an Order Terminating Consent Agreement. This Order terminates Licensee's May 2, 2013, Consent Agreement.

***Moore, Patrick James, MD; MD10765; Yreka, CA**

On July 11, 2013, Licensee entered into a Stipulated Order with the Board for practicing medicine in Oregon without a medical license; willfully violating any rule adopted by the Board or any Board order or any Board request; violating the Federal Controlled Substances Act; and prescribing controlled substances without a legitimate medical purpose and without following accepted procedures for examination of patients or for record keeping. This Order reprimands Licensee, surrenders Licensee's medical license, and assesses a \$10,000 fine (\$5,000 of which is held in abeyance).

Muller, Christopher Martin, MD; MD16728; Coos Bay, OR

On July 11, 2013, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete the PACE program course for medical record keeping.

Opheim, Georgia Nel, MD; MD13917; The Dalles, OR

On July 11, 2013, Licensee entered into a Consent Agreement with the Board. In this Agreement, Licensee agreed to practice under the supervision of a Board approved mentor for a minimum of 1040 clinical hours.

***Pliskin, Leslie Arthur, MD; MD12017; Lebanon, OR**

On July 12, 2013, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's January 13, 2011, Stipulated Order.

Ravuri, Rajesh, MD; MD23904; Coos Bay, OR

On July 11, 2013, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete pre-approved courses on prescribing for geriatric patients and medical documentation and undergo a minimum of ten chart audits performed by a consultant pre-approved by the Board's medical director.

***Rosencrantz, David Richard, MD; MD07089; Portland, OR**

On July 11, 2013, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's July 12, 2012, Corrective Action Agreement.

Simpson, Jennifer Dale, MD; MD17884; Portland, OR

On July 12, 2013, Licensee entered into a Consent Agreement with the Board. In this Agreement, Licensee agreed to practice under a Board-approved mentor for three months and recertify with the American Board of Internal Medicine in rheumatology.

Sindo, Shauna Kyleigh, LAc; Applicant; Eugene, OR

On July 11, 2013, Applicant entered into a Consent Agreement with the Board. In this Agreement, Applicant agreed to complete a 20-hour mentorship with a Board approved clinical supervisor.

***Valenzuela, Eduardo Rodolfo, PA; PA161878; Westlake, OR**

On July 11, 2013, Applicant entered into a Stipulated Order with the Board for unprofessional conduct; repeated negligence in the practice of medicine; willfully failing to comply with any Board statute or rule request; and prescribing controlled substances without following accepted procedures for examination of patients, or prescribing controlled substances without following accepted procedures for record keeping. This Order requires Applicant to re-certify with the NCCPA; requires that Applicant work under the direct supervision of a supervising physician pre-approved by the Board for twelve months; outlines chart review requirements for twelve months; and prohibits Applicant from treating himself or family members or any other patient outside of the clinical setting.

***Welker, Kenneth Jay, MD; MD22731; Lake Oswego, OR**

On June 19, 2013, Licensee entered into an Interim Stipulated Order in which Licensee agreed to inform patients that they must have another physician or nurse practitioner as their primary provider and that he cannot act as such; refrain from changing or discontinuing medications prescribed by another provider; inform other practitioners of medications prescribed to a patient; and open his practice to no notice compliance inspections by the Board. This Order remains in effect pending the completion of the Board's investigation into Licensee's ability to safely and competently practice medicine.

If you have any questions regarding this service, please call the Board at (971) 673-2700 or toll-free within Oregon at (877) 254-6263.

1 This modification is effective the date this Order is signed by the Board Chair. All other
2 terms of the April 9, 2009, Stipulated Order are unchanged and remain in full force and effect.

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4 IT IS SO ORDERED this 12th day of July, 2013.

5 OREGON MEDICAL BOARD
6 State of Oregon

7 **SIGNATURES REDACTED**

8 ROGER M. MCKIMMY, MD
9 Board Chair

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
RICHARD ROY BATTEY, MD) STIPULATED ORDER
LICENSE NO. MD18143)
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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. Richard Roy Battey, MD (Licensee) holds an active license to practice medicine in the state of Oregon.

2.

On April 5, 2013, the Board issued a Complaint and Notice of Proposed Disciplinary Action in regards to Licensee. In this document, the Board proposed to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 fine, and assessment of costs, pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a) and ORS 677.190(13) gross or repeated acts of negligence.

3.

Licensee is board certified in obstetrics and gynecology and practices at the Women's Health Center of Southern Oregon in Grants Pass, Oregon. Licensee engaged in the following acts and conduct that violated the Medical Practice Act:

3.1 Patient A, an adult female, first presented to Licensee as a patient in 1996 for prenatal care. Licensee successfully delivered her baby by C-section in October of 1997. She continued to present to Licensee on a recurring basis for regular gynecologic care. In July of

1 2003, Licensee performed laser ablation of Patient A's cervix for cervical dysplasia, and in
2 March of 2004, Licensee conducted a colposcopy with biopsy. In April of 2004, Licensee
3 performed a cervical conization on Patient A for severe dysplasia (cervical intraepithelial
4 neoplasm). Licensee subsequently treated Patient A for irregular menstrual bleeding and pelvic
5 pain. In May of 2007, Licensee performed a diagnostic laparoscopy on Patient A and excised a
6 2.5 cm hemorrhagic corpus luteum cyst with lysis of some adhesions. Licensee instructed
7 Patient A "to return to office for annual exam." On June 10, 2007, Licensee wrote a letter to
8 Patient A's primary care physician stating that he had seen Patient A, that she was doing well,
9 and he was "now returning her back to your care." Licensee subsequently began to exchange
10 personal e-mails and telephone calls with Patient A and met her outside of the clinic. These
11 social interactions quickly developed into a sexual relationship that continued from July of 2007
12 until January of 2008, which included trysts at the clinic where Licensee worked. In 2009,
13 Patient A received a number of telephone calls and mail from Licensee's clinic reminding her of
14 her need for an annual gynecological exam and Pap smear. Licensee conducted an examination
15 of Patient A on February 12, 2010, and wrote a progress note. Licensee told Patient A at that
16 time that she should discard any record of their past personal e-mails and that she should not
17 return to the clinic as a patient. By engaging in a sexual relationship with Patient A, Licensee
18 violated the ethical principles for obstetricians and gynecologists, which states that: "Sexual
19 contact or a romantic relationship between a physician and a current patient is always
20 unethical..." and "Sexual contact or a romantic relationship between a physician and a former
21 patient also may be unethical."

22 3.2 Licensee has engaged in sexual relationships with Patients B and C, both adult
23 females, who were former patients at the time of his sexual encounters with them. Licensee's
24 last clinical contact with Patient B occurred in early March of 2008 for an annual examination.
25 Licensee and Patient B entered into a sexual relationship at the end of March of 2008.
26 Licensee's last clinical contact with Patient C occurred in June of 2010 for follow-up for an
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PAGE 2 – *STIPULATED ORDER* – Richard Roy Battey, MD

1 abnormal Pap smear. Licensee and Patient C entered into a romantic relationship in July or
2 August of 2010.

3 3.3 By engaging in this conduct, Licensee displayed poor judgment and a lack of
4 appreciation for professional boundaries and potential for misuse of physician power and
5 exploitation of patient emotions derived from the former relationship.

6 4.

7 Licensee and the Board desire to settle this matter by the entry of this Stipulated Order.
8 Licensee understands that he has the right to a contested case hearing under the Administrative
9 Procedures Act (Chapter 183 Oregon Revised Statutes), and fully and finally waives the right to
10 a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the
11 Board's records. Licensee admits that he engaged in the conduct described in paragraph 3, and
12 that this conduct violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined
13 by ORS 677.188(4)(a) and ORS 677.190(13) gross or repeated acts of negligence. Licensee
14 understands that this Order is a public record and is a disciplinary action that is reportable to the
15 Data Bank and the Federation of State Medical Boards.

16 5.

17 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order
18 subject to the following terms:

19 5.1 Licensee is reprimanded.

20 5.2 Licensee's medical practice is subject to no-notice audits by the Board's
21 designees.

22 5.3 Licensee must affiliate with a senior physician mentor who is pre-approved by the
23 Board's Medical Director, and meet with this mentor at least every three months to discuss
24 clinical situations and boundary issues. The mentor must submit semi-annual written reports to
25 the Board.

26 5.4 Licensee must never date a current or former patient.

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PAGE 3 – STIPULATED ORDER – Richard Roy Batley, MD

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
WENDEE DOREEN DANIELS, LAc } DEFAULT ORDER
LICENSE No. AC00533)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including acupuncturists, in the state of Oregon. Wendee Doreen Daniels, LAc (Licensee) holds a lapsed license to practice acupuncture in the state of Oregon.

2.

2.1 On April 5, 2013, the Board issued a Complaint and Notice of Proposed Disciplinary Action (Notice), in which the Board proposed taking disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 civil penalty, and assessment of costs, pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a); ORS 677.190(4) obtaining any fee by fraud or misrepresentation; and ORS 677.190(17) willfully disobeying any provision of ORS chapter 677, any rule adopted by the Board, Board order, or failing to comply with a Board request pursuant to ORS 677.320.

2.2 The Board's Notice designated the Board's file on this matter as the record for purposes of a default order and granted Licensee an opportunity for a hearing, if requested in writing within 21 calendar days from the date the Notice was mailed. Licensee was also informed that her request for a hearing must be received by the Board on or before April 30, 2013. Licensee has not submitted a written request for a hearing, and more than 21 days have elapsed.

1 employment from May 1, 2010, to present. This application expired on February 2, 2013. The
2 Board opened an investigation after receiving credible information that Licensee practiced
3 acupuncture after her license had lapsed.

4 3.2 The Board's investigation reveals that Licensee continued to practice acupuncture
5 at the "Ancient Traditions Acupuncture Clinic" in Bend, Oregon, subsequent to the lapse of her
6 license on July 1, 2010. All licensees are required to renew their professional license with the
7 Oregon Medical Board on a biennial basis. Licensee failed to complete her reactivation
8 applications from 2010 and 2012.

9 3.3 The investigative and licensing staff of the Board made repeated attempts to
10 contact Licensee by phone, e-mail, and U.S. Postal Service, inviting her to the Board's offices
11 for a confidential interview and requesting submission of documents for the investigation,
12 pursuant to ORS 677.320. Licensee failed to respond to these communications in a timely
13 manner other than an e-mail to a Board investigator on August 8, 2012, in which she provided a
14 current mailing address, provided some information regarding her current billing policy, and
15 admitted to practicing acupuncture without an active license. Licensee's statements reflect that
16 Licensee was practicing acupuncture on multiple patients without an active license and was
17 billing for services rendered.

18 3.4 For the Board's investigation, Licensee was sent a letter on May 16, 2012,
19 requesting that she respond to the allegations of the current investigation and provide a copy of
20 her treatment records and billing documents, with a deadline of June 22, 2012. Licensee
21 requested extensions, due to personal family matters, by phone on June 21, 2012 and July 10,
22 2012. On July 24, 2012, she was requested by e-mail for a response and an update on her
23 practice. On July 25, 2012, Licensee sent an e-mail to the Board, acknowledging the extensions
24 and agreed to submit documents by the end of the week. On July 25, 2012, she was noticed by
25 e-mail with a final due date of August 3, 2012. Licensee submitted an e-mail to the Board on
26 August 8, 2012, with brief information relevant to the investigation and her mailing address. She
27 was asked by e-mail on August 9, 2012, to provide documents for the Board's investigation, to

1 include a copy of her charts and insurance billing records on multiple patients. Subsequently,
2 repeated requests were made to Licensee by e-mail, phone, and letters in January 2013 to provide
3 these documents, contact the Board, and meet with the Board investigator. On February 5, 2013,
4 the Board received a brief e-mail from Licensee, apologizing for the delays and for not
5 responding to letters because she never received them. She was asked on February 6, 2013, by e-
6 mail to submit a correct mailing address. She submitted an e-mail to the Board on February 12,
7 2013, with a contact address and current phone number. On February 19, 2013, the Board
8 received a packet mailed by Licensee with a copy of her treatment records on multiple patients
9 and her billings to an Oregon insurance company, PacificSource Health Plans.

10 3.5 Licensee submitted 1,002 claims to PacificSource Health Plans, in regard to
11 patients whom Licensee treated in Oregon from 2010 through January 2012. Licensee's total
12 amount claimed for services billed during this time was \$47,785 for her care of 27 patients
13 covered by PacificSource. Licensee received payment of \$11,639.46 from PacificSource for
14 acupuncture services rendered. This record of submitted claims reflects that Licensee was
15 practicing acupuncture without a license in the latter half of 2010, throughout 2011, and early
16 2012, as well as submitting claims for payment to a health insurance carrier for her care of
17 patients.

18 4.

19 CONCLUSIONS OF LAW

20 4.1 By performing acupuncture on patients in Oregon without an active license,
21 Licensee violated ORS 677.765.

22 4.2 Licensee failed to submit a timely application to renew her license, in violation of
23 OAR 847-070-0039; failed to notify the Board in writing within 30 days of any change in
24 residence address, practice location, or mailing address, in violation of OAR 847-008-0060; and
25 failed to timely respond to requests by Board staff to appear for an interview and to provide
26 information, in violation of ORS 677.320(2).

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
WILLIAM AUSTIN FOSTER, MD) STIPULATED ORDER
LICENSE NO, MD154370)
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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. William Austin Foster, MD (Licensee) is a licensed physician in the State of Oregon.

2.

The Board received a report concerning the Licensee's ability to safely practice medicine that resulted in the Board initiating an investigation.

3.

Licensee and the Board desire to settle this matter by the entry of this Stipulated Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (Chapter 183 Oregon Revised Statutes), and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. The Board agrees to close the current investigation and does not make a finding in regard to any violation of the Medical Practice Act.

4.

In order to address the concerns of the Board, Licensee and the Board agree to enter into this Stipulated Order subject to the following conditions:

4.1 Licensee will retire his Oregon medical license while under investigation and cease practicing any form of medicine, effective the date the Board Chair signs this Order.

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
SHAGUFTA ANBEREEN HASAN, MD) INTERIM STIPULATED ORDER
LICENSE NO. MD20989)
)

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. Shagufta Anbereen Hasan, MD (Licensee) is a licensed physician in the state of Oregon who holds an active medical license.

2.

Licensee is a family practice physician. The Board received credible information regarding Licensee that resulted in the board initiating an investigation. 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 certain terms until the investigation is completed.

3.

In order to address the Board's concern, Licensee and the Board agree to the entry of this Interim Stipulated Order, which will remain in effect while this matter remains under investigation, and provides that Licensee shall comply with the following conditions:

3.1 Licensee agrees to voluntarily and immediately cease performing any circumcisions.

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

3.3 Licensee understands this Order becomes effective the date she signs it.

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4.

At the conclusion of the Board's investigation, the Board will decide whether to close the case or to proceed to some form of disciplinary action. If the Board determines, following that review, not to lift the requirements of this Order, Licensee may request a hearing to contest that decision.

5.

This order is issued by the Board pursuant to ORS 677.410, which grants the Board the authority to attach conditions to the license of Licensee to practice medicine. These conditions will remain in effect while the Board conducts a complete investigation in order to fully inform itself with respect to the conduct of Licensee. Pursuant to ORS 677.425, Board investigative materials are confidential and shall not be subject to public disclosure, nor shall they be admissible as evidence in any judicial proceeding. However, as a stipulation this Order is a public document.

IT IS SO STIPULATED THIS 28 day of June, 2013.

SIGNATURE REDACTED
SHAGUFTA ANBEREEN HASAN, MD

IT IS SO ORDERED THIS 1st day of July, 2013.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED
KATHLEEN HALEY, JD ✓
EXECUTIVE DIRECTOR

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of
KIMO KAUKAOHU HEEN, PA
LICENSE NO PA00808

} STIPULATED ORDER
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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 physician assistants, in the state of Oregon. Kimo Kaukaohu Heen (Licensee) is a licensed physician assistant in the state of Oregon.

2.

On February 6, 2013, the Board issued a Complaint and Notice of Proposed Disciplinary Action in which the Board proposed taking disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 civil penalty, and assessment of costs, pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a), (b) and (c); ORS 677.190(4) obtaining any fee by fraud or misrepresentation; ORS 677.190(13) gross or repeated negligence in the practice of medicine and ORS 677.190(17) willfully disobeying any provision of ORS chapter 677 or any Board rule.

3.

The Board opened a series of investigations in 2011 in regard to Licensee's supervising physician, Vishal James Makker, MD, a neurosurgeon, after receiving credible information that Dr. Makker engaged in unprofessional conduct and substandard care that included certain surgical procedures that were medically unnecessary or never done; entering inaccurate

1 information into the medical charts of certain patients; and submitting inaccurate and fraudulent
2 billing. The Board concluded that Dr. Makker had violated the Medical Practice Act, to include
3 ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a),
4 (b) and (c); ORS 677.190(4) obtaining any fee by fraud or misrepresentation; and ORS
5 677.190(13) gross or repeated negligence in the practice of medicine. The Board concluded its
6 investigations of Dr. Makker by entering into a Stipulated Order with Dr. Makker that the Board
7 approved on October 11, 2012, in which Dr. Makker permanently surrendered his license to
8 practice medicine while under investigation. Licensee's acts and conduct as a physician assistant
9 that violated the Medical Practice Act as he served as Dr. Makker's surgical assistant are set
10 forth in the Complaint and Notice of Proposed Disciplinary Action, dated February 6, 2013.

11 4.

12 Licensee and the Board desire to settle this matter by entry of this Stipulated Order.
13 Licensee understands that he has the right to a contested case hearing under the Administrative
14 Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the
15 right to a contested case hearing and any appeal therefrom by the signing of and entry of this
16 Order in the Board's records. Licensee neither admits or denies but the Board finds that
17 Licensee engaged in the conduct described in paragraph 3 above and that this conduct violated
18 the Medical Practice Act, ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined
19 by ORS 677.188(4)(a), (b) and (c); ORS 677.190(13) gross or repeated negligence in the practice
20 of medicine and ORS 677.190(17) willfully disobeying any provision of ORS chapter 677 or any
21 Board rule. Licensee understands that this document is a public record and is a disciplinary
22 action that is reportable to the National DataBank and the Federation of State Medical Boards.
23 This Order becomes effective the date it is signed by the Board Chair.

24 5.

25 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order
26 subject to the following sanctions and terms:

27 5.1 Licensee is reprimanded.

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
DAVID HENACH KANE, MD) STIPULATED ORDER
LICENSE NO. MD28773)
)

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. David Henach Kane, MD (Licensee) is a physician licensed to practice medicine in the state of Oregon.

2.

The Board received credible information that prompted an investigation of Licensee's self-prescribing, care of his family members, purchase of controlled substances, treatment of chronic pain patients, and compliance with federal and state laws involving controlled substances. During the course of that investigation, the Board requested that Licensee withdraw from practice pending the outcome of the investigation. Licensee signed an Interim Stipulated Order, effective March 25, 2013, whereby he voluntarily withdrew from practice.

3.

Licensee and the Board desire to settle this matter by the entry of this Stipulated Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (Chapter 183 Oregon Revised Statutes), and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. Licensee neither admits nor denies that he engaged in the conduct described in paragraph two. By entering into this Order, Licensee understands that although the Board makes no finding at this time as to whether his conduct violated the Medical Practice Act, this Order is a public record and is reportable to The DataBank and the Federation of State Medical Boards.

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4.

Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order in which he permanently retires his medical license and the Board closes the current investigation, subject to the following conditions:

4.1 Licensee permanently retires his license to practice medicine while under investigation, effective the date this Order is signed by the Board Chair.

4.2 The Interim Stipulated Order of March 25, 2013, terminates effective the date the Board Chair signs this Order.

4.3 Licensee stipulates and agrees that any violation of the terms of this Order shall be grounds for further disciplinary action under ORS 677.190(17).

IT IS SO STIPULATED this 9th day of July, 2013.

SIGNATURES REDACTED

DAVID HENACH KANE, MD

IT IS SO ORDERED this 12th day of July, 2013.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURES REDACTED

ROGER M. MCKIMMY, MD
Board Chair

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
PATRICK JAMES MOORE, MD) STIPULATED ORDER
LICENSE NO, MD10765)
)

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. Patrick James Moore, MD (Licensee) is a retired physician who was formerly licensed in the state of Oregon.

2.

On April 5, 2013, the Board issued a Complaint and Notice of Proposed Disciplinary Action in regards to Licensee. In this document, the Board proposed to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 fine, and assessment of costs, pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit: ORS 677.080 practicing medicine in Oregon without a medical license; ORS 677.190(17) willfully violating any rule adopted by the Board or any Board order or any Board request; ORS 677.190(23) violating the Federal Controlled Substances Act; and ORS 677.190(24) prescribing controlled substances without a legitimate medical purpose and without following accepted procedures for examination of patients or for record keeping.

3.

On August 2, 2012, Licensee and the Board entered into a Stipulated Order in which Licensee retired his medical license while under investigation, and stipulated that he would cease practicing any form of medicine, effective the date of that Order. Licensee also stipulated and

1 agreed that any violation of the terms of that Order shall be grounds for further disciplinary
2 action.

3 The acts and conduct that violated the Medical Practice Act are:

4 3.1 On January 4, 2013, a pharmacy in Medford, Oregon reported that between
5 October 23, 2012 and December 3, 2012, Licensee had called in multiple prescriptions for
6 clonazepam (Klonopin, Schedule IV), hydrocodone/acetaminophen (Schedule III), and zolpidem
7 (Ambien, Schedule IV) for patients residing in Oregon. The Board subsequently opened an
8 investigation into Licensee's violation of the terms of his Stipulated Order.

9 3.2 The Board's investigation revealed that on 47 occasions between August 5, 2012
10 and January 2, 2013, Licensee had authorized multiple prescriptions (to include refills) in
11 Oregon for clonazepam, hydrocodone/acetaminophen, and zolpidem, for himself, family
12 members, and friends, without a license to practice medicine in Oregon. In addition, Licensee
13 failed to maintain patient records or appropriate records for the controlled substances that he
14 prescribed.

15 3.3 Licensee has admitted that he diverted some of the controlled substances that he
16 prescribed for these patients for his personal use.

17 4.

18 Licensee and the Board desire to settle this matter by the entry of this Stipulated Order.
19 Licensee understands that he has the right to a contested case hearing under the Administrative
20 Procedures Act (Chapter 183 Oregon Revised Statutes), and fully and finally waives the right to
21 a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the
22 Board's records. Licensee stipulates and the Board finds that the conduct described in paragraph
23 3 violated ORS 677.080 practicing medicine in Oregon without a medical license; ORS
24 677.190(17) willfully violating any rule adopted by the Board or any Board order or any Board
25 request; ORS 677.190(23) violating the Federal Controlled Substances Act; and ORS
26 677.190(24) prescribing controlled substances without a legitimate medical purpose and without
27 following accepted procedures for examination of patients or for record keeping. Licensee

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
LESLIE ARTHUR PLISKEN, MD) ORDER TERMINATING
LICENSE NO. MD12017) STIPULATED ORDER
)

1.

On January 13, 2011, Leslie Arthur Pliskin, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed Licensee on probation with certain conditions. On June 6, 2013, Licensee submitted a written request to terminate this Order.

2.

Having fully considered Licensee's request and his successful compliance with the terms of this Order, the Board terminates the January 13, 2011, Stipulated Order, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 12th day of July, 2013.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURES REDACTED

ROGER M. MCKIMMY, MD
Board Chair

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
EDUARDO RODOLFO VALENZUELA, PA) STIPULATED ORDER
APPLICANT)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physician assistants, in the state of Oregon. Eduardo Rodolfo Valenzuela, PA (Applicant) is a formerly licensed physician assistant in the state of Oregon.

2.

The Board opened an investigation in May 2010, regarding allegations that the Applicant had practiced medicine with an inactive physician assistant license and without a supervising physician. Applicant entered into a Stipulated Order with the Board on January 3, 2011 to resolve this investigation. In this Order, Licensee stipulated, and the Board found, that his conduct violated ORS 677.080(4) engaging in the unlicensed practice of medicine; ORS 677.190(1)(a), unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a), (b) and (c); ORS 677.190(13) gross or repeated negligence in the practice of medicine; ORS 677.190(17) willfully failing to comply with any Board statute or rule request and ORS 677.190(24) prescribing controlled substances without following accepted procedures for examination of patients, or prescribing controlled substances without following accepted procedures for record keeping. Pursuant to the 2011 Order, Applicant was reprimanded, surrendered his physician assistant license while under investigation and agreed not to apply for an active license for two years. Applicant submitted an application for a physician assistant license on January 17, 2013 and has submitted a re-entry to practice plan.

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3.

Applicant and the Board desire to settle this matter by the entry of this Stipulated Order. Applicant understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. Applicant stipulates that he has engaged in conduct previously described in the Board's January 13, 2011 Stipulated Order and that this conduct constituted violations of ORS 677.080(4) engaging in the unlicensed practice of medicine; ORS 677.190(1)(a), unprofessional conduct, as defined by ORS 677.188(4)(a); ORS 677.190(13) repeated negligence in the practice of medicine; ORS 677.190(17) willfully failing to comply with any Board statute or rule request and ORS 677.190(24) prescribing controlled substances without following accepted procedures for examination of patients, or prescribing controlled substances without following accepted procedures for record keeping. Applicant understands and agrees that this conduct constitutes grounds for the Board to deny his license application pursuant to ORS 677.190 or to impose terms of probation pursuant to ORS 677.205. Applicant understands that this Order is a public record and is a disciplinary action that is reportable to the National Practitioner Data Bank and the Federation of State Medical Boards.

4.

In order to address the concerns of the Board and for the purposes of resolving this matter, Applicant and the Board agree that the Board will close this matter and grant Applicant an active physician assistant license subject to the following conditions:

4.1 Applicant must successfully complete the Physician Assistant National Certifying Exam (PANCE) or Physician Assistant National Recertifying Exam (PANRE) given by the National Commission on Certification of Physician Assistants (NCCPA) and obtain NCCPA certification prior to being granted an active physician assistant license.

4.2 Applicant's supervising physician(s) and practice agreement must be approved in advance by the Board's Medical Director. Applicant will practice under Direct Supervision, as

1 defined in OAR 847-050-0010, for the first twelve months of active practice. After that period,
2 the Applicant may, with the endorsement of his supervising physician(s), submit a request to the
3 Board's Medical Director to practice under a lower level of supervision.

4 4.3 Applicant will meet with his supervising physician(s) at least monthly for chart
5 review and discussions of patient care. For the first three months of practice, chart review will
6 be set at 100%, for the next three months chart review will be set at 50%, for the next six months
7 chart review will be set at 25%. Thereafter, the rate of chart review will be set by the
8 supervising physician(s).

9 4.3 Applicant will not provide medical treatment or prescriptions for himself or his
10 family members. In addition, Applicant will not provide medical treatment for any patient
11 except in his supervised clinical setting.

12 4.4 The Stipulated Order of January 13, 2011, terminates upon the signing of this
13 Order by the Board Chair.

14 4.5 Applicant stipulates and agrees that any violation of the terms of this Order shall
15 be grounds for further disciplinary action under ORS 677.190(17).

16
17 IT IS SO STIPULATED this 17 day of June, 2013.

18 SIGNATURE REDACTED
19 ~~EDUARDO VALENZUELA, PA~~

20
21 IT IS SO ORDERED this 11th day of July, 2013.

22 OREGON MEDICAL BOARD
23 State of Oregon

24 SIGNATURE REDACTED
25 ~~ROGER MCKIMMY, MD~~
26 Board Chair

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5.

This order is issued by the Board pursuant to ORS 677.410, which grants the Board the authority to attach conditions to the license of Licensee to practice medicine. These conditions will remain in effect while the Board conducts a complete investigation in order to fully inform itself with respect to the conduct of Licensee. Pursuant to ORS 677.425, Board investigative materials are confidential and shall not be subject to public disclosure, nor shall they be admissible as evidence in any judicial proceeding. However, as a stipulation this Order is a public document.

IT IS SO STIPULATED THIS 17th day of JUNE, 2013.

SIGNATURE REDACTED

KENNETH JAY WELKER, MD

IT IS SO ORDERED THIS 18th day of June, 2013.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

KATHLEEN HALEY, JD
EXECUTIVE DIRECTOR