Oregon Medical Board

BOARD ACTION REPORT

April 15, 2015

The information contained in this report summarizes new, interim, and final actions taken by the Oregon Medical Board between March 16, 2015, and April 15, 2015.

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 Consent Agreements 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.

***Adams, Justin Robert, MD; MD156479; Ashland, OR**
On April 14, 2015, Licensee entered into an Interim Stipulated Order to voluntarily cease performing injections other than immunizations and cease retrieving or processing blood and tissue from patients pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

***Bernardo, Peter Augusto, MD; MD17631; Woodburn, OR**
On April 2, 2015, the Board issued an Order Modifying Stipulated Order. This Order modifies Licensee's April 3, 2014, Stipulated Order.

***Colorito, Anthony Ivar, MD; MD22621; Portland, OR**
On April 2, 2015, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct. This Order retires Licensee's medical license while under investigation.

***Gallant, James David, MD; MD12529; Corvallis, OR**
On April 2, 2015, the Board issued an Order Modifying Stipulated Order. This Order modifies Licensee's October 2, 2014, Stipulated Order.

*Gambee, John Edwin, MD; MD09526; Junction City, OR**
On April 2, 2015, the Board issued a Final Order on Remand. This Order revokes Licensee's medical license and assesses the costs of the contested case hearing. On April 2, 2015, the Board issued an Addendum to Final Order on Remand - Bill of Costs, outlining the costs of the contested case hearing.

*Goldberg, Uri Zoe, DO; DO159256; Toledo, OR**
On April 2, 2015, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to provide a copy of this Agreement to any employer in the healthcare field, and complete a Board-approved educational plan prior to her return to the practice of obstetrics.

*Harbison, Andrew Ross, MD; MD166694; Portland, OR**
On April 2, 2015, the Board issued an Order Terminating Consent Agreement. This Order terminates Licensee's April 16 2014, Consent Agreement.

*Helman, Edward Allan, MD; MD09729; Medford, OR**
On April 2, 2015, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's July 10, 2014, Corrective Action Agreement.

*Jackson, Larry Arthur, MD; MD08513; Springfield, OR**
On April 2, 2015, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's February 4, 2010, Stipulated Order.

*Jensen, Robert Mark, MD; MD17220; Medford, OR**
On April 2, 2015, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete a pre-approved course on medical record keeping, and report any complaints regarding Licensee's professionalism.

*Kemple, Kip Louis, MD; MD10387; Portland, OR**
On April 2, 2015, the Board issued an Order Terminating Interim Stipulated Order. This Order terminates Licensee's February 4, 2015, Interim Stipulated Order effective April 30, 2015.

*Kemple, Kip Louis, MD; MD10387; Portland, OR**
On April 2, 2015, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct. This Order retires Licensee's medical license while under investigation.

*Kort, Daniel Duane, MD; MD18043; Salem, OR**
On April 2, 2015, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; gross or repeated acts of negligence; willfully violating any provision of a board rule; and violation of the federal Controlled Substances Act. This Order reprimands Licensee; assesses a civil penalty of $5,000; places Licensee on probation; prohibits Licensee from practicing aesthetic medicine; requires Board pre-approval of any practice setting; and requires that Licensee comply with Oregon Administrative Rules when offering weight loss treatment.

*__Laird, Sheri Lee, MD; MD21936; West Linn, OR__
On April 2, 2015, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's July 12, 2012, Corrective Action Agreement.

*__Laird, Sheri Lee, MD; MD21936; West Linn, OR__
On April 2, 2015, 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; requires Board pre-approval of any practice setting; and prohibits Licensee from prescribing for chronic pain.

*__Levanger, Nathan Blacker, DO; DO22827; Driggs, ID__
On April 2, 2015, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's June 2, 2011, Stipulated Order.

*__Lindberg, John Francis, MD; MD12005; Portland, OR__
On April 2, 2015, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's January 10, 2013, Stipulated Order.

*__Loehden, Otto Louis, MD; MD05975; Hillsboro, OR__
On April 3, 2015, Licensee entered into a Voluntary Limitation in which he agreed to refrain from performing surgery or seeing patients in a clinical setting.

*__Logan, Jacqueline Susan, MD; MD20914; Salem, OR__
On April 2, 2015, the Board issued an Order Terminating Corrective Action Order. This Order terminates Licensee's April 12, 2007, Corrective Action Order.

*__Luty, Jeffrey Alexander, MD; MD155853; Beaverton, OR__
On April 2, 2015, the Board issued an Order Terminating Consent Agreement. This Order terminates Licensee's April 5, 2013, Consent Agreement, and January 8, 2015, Order Modifying Consent Agreement.

*__Matz, Paul David, MD; MD12660; Medford, OR__
On March 18, 2015, Licensee entered into an Interim Stipulated Order to voluntarily reduce the morphine equivalent doses and eliminate benzodiazepines and muscle relaxants for chronic pain patients pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

*__Mentzer, Richard Lynn, Jr., MD; MD08548; Greenleaf, OR__
On April 2, 2015, the Board issued an Order Terminating Corrective Action Order. This Order terminates Licensee's July 12, 2007, Corrective Action Order.

__Miller, Blythe Megan, LAc; Applicant; Portland, OR__
On March 19, 2015, 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.

Pursley, Lance Christopher, LAc; AC01170; Portland, OR
On March 19, 2015, Licensee entered into a Consent Agreement with the Board. In this Agreement, Licensee agreed to complete a 20-hour mentorship with a Board-approved clinical supervisor.

*__Reyes, Vincent Pedro, MD; MD16883; Hillsboro, OR__
On April 2, 2015, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to perform ten interventional cardiac cases under the mentorship of a Board-approved cardiologist.

*__Rivadeneira Almenara, Adriana, LAc; AC166926; Portland, OR__
On April 2, 2015, the Board issued an Order Terminating Consent Agreement. This Order terminates Licensee's October 7, 2014, Consent Agreement.

*__Sasich, Randy Louis, MD; MD28977; Portland, OR__
On April 2, 2015, the Board issued an Order Modifying Consent Agreement. This Order modifies Licensee's October 3, 2013, Consent Agreement.

*__Thomashefsky, Allen Jan, MD; MD08126; Ashland, OR__
On April 14, 2015, Licensee entered into an Interim Stipulated Order to voluntarily cease performing injections other than immunizations and cease retrieving or processing blood and tissue from patients pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

*__Tyler, Jeffrey Richard, MD; MD13966; Portland, OR__
On April 2, 2015, 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; assesses a $7,500; places Licensee on probation; requires Licensee to complete a pre-approved medical ethics course; requires Licensee to practice only in a group setting; prohibits Licensee from supervising physician assistants; and prohibits Licensee from treating substance use disorder or chronic pain.

*__Yeakey, Patrick Carl, MD; MD23238; Phoenix, OR__
On March 27, 2015, Licensee entered into an Interim Stipulated Order to voluntarily reduce the morphine equivalent doses and eliminate benzodiazepines and muscle relaxants for chronic pain patients pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of JUSTIN ROBERT ADAMS, MD LICENSE NO. MD156479	))))))	INTERIM STIPULATED ORDER

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. Justin Robert Adams, MD (Licensee) is a licensed physician in the state of Oregon and holds an active medical license.

2.

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 is not an admission of any wrongdoing on the part of the Licensee, and will remain in effect while this matter remains under investigation, and provides that Licensee shall comply with the following conditions:

3.1 Licensee must not order or perform any injections except immunizations recommended by the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices.

3.2 Licensee must not retrieve or process any blood or tissue from a patient unless it is sent to a laboratory that is certified in Oregon.

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

3.4 Licensee understands this Order becomes effective the date he signs it.

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 and is reportable to the National Databank and the Federation of State Medical Boards.

IT IS SO STIPULATED THIS 14th day of April, 2015.

SIGNATURE REDACTED

JUSTIN ROBERT ADAMS, MD

IT IS SO ORDERED THIS 15th day of Apr. 1, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

JOE THALER, MD
MEDICAL DIRECTOR

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of:	)	
	)	
PETER AUGUSTO BERNARDO, MD LICENSE NO. MD17631	)	ORDER MODIFYING STIPULATED ORDER
	)	

1.

On April 3, 2014, Peter Augusto Bernardo, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed Licensee on probation with certain conditions. Licensee has been compliant with all terms of this Order. Licensee has discontinued the practice of clinical and surgical medicine and on November 13, 2014, his license status with the Board was changed to Administrative Medicine. On October 22, 2014, Licensee, through his attorney, submitted a written request asking the Board to hold terms 4.2 through 4.7 of his Stipulated Order in abeyance.

2.

In view of Licensee's withdrawal from clinical and surgical practice, the Board agrees to hold terms 4.3 through 4.7 of Licensee's April 3, 2014, Stipulated Order in abeyance until such time Licensee resumes the unrestricted active practice of clinical or surgical medicine in the state of Oregon.

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This modification becomes effective the date this Order Modifying Stipulated Order is signed by the Board Chair. All other terms of the April 3, 2014, Stipulated Order are unchanged.

IT IS SO ORDERED this 2nd day of April 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

SHIRIN SUKUMAR, MD
Board Vice Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of ANTHONY IVAR COLORITO, MD LICENSE NO. MD22621	)))))	STIPULATED ORDER

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. Anthony Ivar Colorito, MD (Licensee) is a licensed physician in the State of Oregon.

2.

Licensee is an orthopedic surgeon. On August 13, 2014, the Board opened an investigation after receiving credible information regarding Licensee.

3.

Licensee and the Board agree to close this investigation with this Stipulated Order in which Licensee agrees to retire his license while under investigation, consistent with the terms of this 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, but the Board finds that Licensee's conduct violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4). Licensee understands that this document is a public record and is reportable to the National 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 subject to the following conditions:

4.1 Licensee retires his license to practice medicine while under investigation. This retirement of license becomes effective the date the Board Chair signs this Order.

4.2 Licensee must obey all federal and Oregon state laws and regulations pertaining to the practice of medicine.

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

IT IS SO STIPULATED this 19 day of February, 2015.

SIGNATURE REDACTED

ANTHONY IVAR COLORITO, MD

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
BOARD CHAIR

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of JAMES DAVID GALLANT, MD LICENSE NO. MD12529	))) ORDER MODIFYING) STIPULATED ORDER)

1.

On October 2, 2014, James David Gallant, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed Licensee on probation with certain conditions. On March 20, 2015, Licensee submitted a written request asking the Board to modify Term 5.5 of this Order, which reads:

> *5.5 Within 180 days from the signing of this Order by the Board Chair, Licensee must at his own expense enroll in and complete a physician assessment at the Center for Personalized Education for Physicians (CPEP). Licensee must sign all necessary releases to allow full communication and exchange of documents and reports between the Board and CPEP. Licensee must timely and successfully complete the recommended CPEP Education or Remediation Plan, if any, at Licensee's expense. This plan must be reviewed and approved by the Board's Medical Director prior to implementation.*

2.

Having fully considered Licensee's request, the Board modifies Term 5.5 of the October 2, 2014, Stipulated Order as follows:

> 5.5 Within 180 days from the signing of this Modifying Order by the Board Chair, Licensee must at his own expense, enroll in and complete a physician competency and health assessment at the Florida Comprehensive Assessment and Remedial Education Services Program (CARES). Licensee must fully cooperate with the CARES program and complete all recommended assessments. Licensee must sign all necessary releases to allow full communication and exchange of

documents and reports between the Board and CARES. Licensee must timely and successfully complete the recommended CARES Education or Remediation Plan, if any, at Licensee's expense. This plan must be reviewed and approved by the Board's Medical Director prior to implementation.

This modification becomes effective the date this Order is signed by the Board Chair. All other terms of the October 2, 2014, Stipulated Order are unchanged and remain in full force and effect.

IT IS SO STIPULATED THIS 1st day of April, 2015.

SIGNATURE REDACTED

JAMES DAVID GALLANT, MD

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

By:
MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

IN THE MATTER OF:	)	
	)	
JOHN EDWIN GAMBEE, M.D.	)	FINAL ORDER ON REMAND
License No. MD09525	)	
	)	

HISTORY OF THE CASE

The Oregon Medical Board (Board) issued its Final Order in this case on July 7, 2011. Licensee filed a petition for judicial review with the Court of Appeals. This case was argued and submitted on February 7, 2013. On February 20, 2014, the Court of Appeals issued its opinion, and on January 6, 2015 issued its judgment in this case.

The Court affirmed the Board's order in all respects, except that the Court concluded that Licensee's treatment of Patient I did not violate the Interim Stipulated Order (ISO) of March 15, 2010, and that his interaction with Patient C did not violate the Order Modifying the Stipulated Order of January 15, 2004. In its opinion, the Court concluded that because the Board's Final Order of July 7, 2011, did not state that the sanctions imposed would be warranted without those violations of prior Board orders, the Court reversed and remanded for the Board to consider the appropriate sanction. Accordingly, the Board has reviewed the Final Order and the Court's Opinion to consider the appropriate sanction, and issues this Final Order upon Remand.

ISSUE ON REMAND

Should the Board modify the sanction upon remand based upon reversal of its conclusion that Licensee had violated the Interim Stipulated Order (ISO) in regard to Patient I and violated the Order Modifying the Stipulated Order of January 15, 2004 in regard to Patient C?

DISCUSSION

The Board concluded in its Final Order, which the Court found was supported by substantial evidence, that Licensee failed to use appropriate testing to diagnose hypothyroidism, failed to monitor patient response to treatment, and failed to set forth a clinical basis for diagnosing and treating hypothyroidism in regard to five patients (Patients A – E), which constituted unprofessional or dishonorable conduct in violation of ORS 677.190(1)(a), gross or repeated negligence in violation of ORS 677.190(13) and willful violation of the Order Modifying the Stipulated Order of January 15, 2004 under ORS 677.190(17) (except that in regard to Patient C, the Court reversed the conclusion that Licensee had violated the 2004 Order). The Board also concluded that Licensee's treatment of Patients F and G with testosterone was not medically indicated and exposed them to the risk of harm, which constituted unprofessional or dishonorable conduct and gross or repeated negligence. The Court found that

this conclusion was supported by substantial evidence. The Board also determined that Licensee's treatment of Patients I and L (in regard to thyroid) violated the ISO. The Court determined that the Board properly found that Paragraph 3.1 of the ISO applied to Licensee and that he violated it by treating Patient L. The Court, however, found that the Board erred in concluding that Licensee's treatment of Patient I violated the ISO.

The Court affirmed the Board's determination that Licensee's hormone treatment of patients did not constitute practicing alternative medicine because Licensee's hormone treatment posed a greater risk of harm to his patients than the standard or recognized treatment. The Court concluded that substantial evidence supported the Board's finding that by treating patients (A – E) with thyroid without establishing a medical deficiency, Licensee exposed his patients to specific risks of harm, to include possible "accelerated bone density loss, or osteopenia, cardiac complications include cardiac arrhythmia, and developing hyperthyroidism, which may increase the risk for hypertension." The Court also concluded that substantial evidence supported the Board's finding that Licensee's testosterone treatment posed a greater risk of harm to his patients (F and G) than the generally recognized treatment.

The Board's Final Order of July 7, 2011 (as modified by the Court of Appeals' decision and the Opinion of the Court of Appeals, filed on February 20, 2014) is incorporated by reference in this Order.

REASSESSING THE SANCTION UPON REMAND

The Board's statutory statement of purpose is to protect the public "from the practice of medicine by unauthorized or unqualified persons and from unprofessional conduct by persons licensed to practice under this chapter." Licensee's conduct in diagnosing hypothyroidism and hypogonadism without sufficient medical basis constituted a pattern of conduct that both breached the standard of care and posed a risk of harm to the public in ways that were specifically described in the Final Order. In addition, Licensee violated the terms of the Board's Order Modifying the Stipulated Order of January 15, 2004 on multiple occasions and the ISO on one occasion. Licensee's conduct demonstrates that he has failed to practice medicine in conformity with established medical standards and that his manner of practice subjects his patients to the unnecessary risk of harm. Licensee's conduct is so deficient that his conduct in regard to Patients A – E together with F and G, would warrant revocation of his license and the imposition of costs, even without consideration of the allegations that he failed to obey the terms of the ISO of March 15, 2010, and the Order Modifying the Stipulated Order of January 15, 2004, as described in the opinion of the Court of Appeals.

Therefore, upon remand, the Board having considered Licensee's conduct as described in the findings of fact of the Final Order as modified upon remand in accordance with the court's rulings, and the multiple violations of the Medical Practice Act, concludes that it will not modify the sanction set forth in the Final Order of July 7, 2011.

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ORDER

Based on the foregoing, IT IS HEREBY ORDERED that the medical license of John Edwin Gambee is revoked and that he is assessed the costs of the hearing, as set forth in the Addendum to the Final Order On Remand – Bill of Costs. Costs are due within 90 days from the date this Order becomes final by operation of law or on appeal.

DATED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

APPEAL

If you wish to appeal the Final Order on Remand, you must file a petition for review with the Oregon Court of Appeals within 60 days after the Final Order on Remand is served upon you. *See* ORS 183.482.

CERTIFICATE OF MAILING

On, April 3, 2015, I mailed the foregoing Final Order on Remand regarding John Edwin Gambee, MD, to the following parties:

By: First Class Certified/Return Receipt U.S. Mail
Certified Mail Receipt # 7014 1200 0000 8349 8715

John Edwin Gambee, MD
93244 Highway 99 S
Junction City, OR 97448

By: Regular U. S. Mail

Warren Foote
Department of Justice
1162 Court St NE
Salem OR 97301

Beverly Loder
Beverly Loder
Investigations Secretary
Oregon Medical Board

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of:	)	
	)	
JOHN EDWIN GAMBEE, MD	)	ADDENDUM TO FINAL ORDER
License No. MD09526	)	ON REMAND - BILL OF COSTS
	)	

1.

On June 21, 2011, the Oregon Medical Board (Board) issued a Proposed Final Order in the matter of John Edwin Gambee, MD (Licensee). In this Order, Licensee was assessed the costs related to his Contested Case Hearing held on December 13 - 17, 2010. Subsequent to a review of the Contested Case Hearing by the Oregon Court of Appeals, the Board issued a Final Order on Remand on April 2, 2015, assessing Licensee the costs of his Contested Case Hearing. This payment is due within 90 days from the date the Final Order on Remand is issued by the Board.

2.

The State of Oregon, by and through its Oregon Medical Board, claims costs related to the December 13 - 17, 2010, Contested Case Hearing in the above-captioned case as follows:

Total Dept. of Justice costs	$	22,248.80
Rate: $137.00/hr - AAG hours: 143.8		19,700.60
$ 77.00/hr - Paralegal: 26.70		2,055.90
$ 93.00/hr - Program coordinator: 1.10		102.30
Other DOJ Charges (Westlaw, motor pool, witness fee)		390.00
Board Consultant/Witness –David Cook, MD	$	2,125.00
Board Consultant/Witness – Anne Nedrow, MD	$	4,500.00
Rate: $125/hr - 53 hours		
Office of Administrative Hearings costs	$	23,667.40
Rate: $82.00/hr – ALJ: 232.25		12,048.92
OAH Admin. Charges:		9,664.31
OAH 9% working capital charge:		1,954.17

Court Reporter Appearance - Naegeli Corp.	$ 6,527.25
TOTAL COSTS DUE:	**$ 59,068.45**

The above costs are certified as a correct accounting of actual costs incurred preparing for and participating in the Contested Case Hearing in this matter.

Dated this 2nd of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

KATHLEEN HALEY, JD
EXECUTIVE DIRECTOR

CERTIFICATE OF MAILING

On April 3, 2015, I mailed the foregoing Addendum to Final Order on Remand – Bill of Costs regarding John Edwin Gambee, MD to the following parties:

By: First Class Certified/Return Receipt U.S. Mail
Certified Mail Receipt # 7014 1200 0000 8349 8715

John Edwin Gambee, MD
93244 Highway 99 S
Junction City, OR 97448

By: Regular U. S. Mail

Warren Foote
Department of Justice
1162 Court St NE
Salem OR 97301

Beverly Loder
Beverly Loder
Investigations Secretary
Oregon Medical Board

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
URI ZOE GOLDBERG, DO	)	CORRECTIVE ACTION AGREEMENT
LICENSE NO. DO159256	)	

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including osteopathic physicians, in the state of Oregon. Uri Zoe Goldberg, DO (Licensee) holds an active license to practice medicine in the state of Oregon

2.

The Board opened an investigation after receiving a report that Licensee's obstetrical privileges had been suspended by Samaritan Pacific Communities Hospital on January 27, 2014, for failure to complete an education plan.

3.

In regard to the above-referenced matter, Licensee and the Board desire to settle this matter by entry of this agreement. Licensee understands that she has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this agreement 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. This agreement is a public document; however, it is not a disciplinary action. This document is reportable to the National Data Bank.

4.

In order to address the concerns of the Board and for purposes of resolving this investigation, Licensee and the Board agree to the following terms:

4.1 Prior to returning to the practice of obstetrics and obstetrical deliveries, Licensee must successfully complete an education plan that is pre-approved by the Board's Medical Director. Licensee must sign all necessary releases to allow full and complete communication between the Board and the provider(s) of the approved education plan. Licensee will ensure that all reports concerning Licensee to include a final written evaluation report, if any, are provided to the Board. Licensee must pay for all costs associated with the education plan

4.2 Licensee agrees to satisfactorily complete every term in the education plan that is approved by the Board's Medical Director.

4.3 Licensee agrees to provide a copy of this Agreement to any employer in the health care field.

4.4 Licensee must obey all federal and Oregon State laws and regulations pertaining to the practice of medicine.

4.5 Licensee agrees that any violation of the terms of this Agreement constitutes grounds to take disciplinary action under ORS 677.190(17).

IT IS SO AGREED this 20th day of March, 2015.

SIGNATURE REDACTED

URI ZOE GOLDBERG, DO

IT IS SO AGREED this 2nd day of April, 2015.

OREGON MEDICAL BOARD

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of ANDREW ROSS HARBISON, MD LICENSE NO. MD166694	)))))	 ORDER TERMINATING CONSENT AGREEMENT

1.

On April 16, 2014, Andrew Ross Harbison, MD (Licensee) entered into a Consent Agreement with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon medical license. On November 25, 2014, Licensee submitted a written request to terminate this Agreement.

2.

Having fully considered Licensee's request and his successful compliance with the terms of this Agreement, the Board terminates the April 16, 2014, Consent Agreement, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
EDWARD ALLAN HELMAN, MD LICENSE NO. MD09729	)	ORDER TERMINATING CORRECTIVE ACTION AGREEMENT
	)	
	)	

1.

On July 10, 2014, Edward Allan Helman, MD (Licensee) entered into a Corrective Action Agreement with the Oregon Medical Board (Board). This Agreement placed conditions on Licensee's Oregon license. On November 24, 2014, Licensee submitted documentation that he has successfully completed all terms of this Agreement and requested that this Agreement be terminated.

2.

The Board has reviewed the documentation submitted by Licensee and has determined that Licensee has successfully complied with all of the terms of this Agreement. The Board terminates the July 10, 2014, Corrective Action Agreement, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
LARRY ARTHUR JACKSON, MD	)	ORDER TERMINATING
LICENSE NO. MD08513	)	STIPULATED ORDER
	)	

1.

On February 4, 2010, Larry Arthur Jackson, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon medical license. On January 28, 2015, Licensee submitted a written request to terminate this Order.

2.

In view of Licensee's entry into a Stipulated Order with the Board on January 8, 2015, the Board terminates the February 4, 2010, Stipulated Order, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
ROBERT MARK JENSEN, MD	)	CORRECTIVE ACTION AGREEMENT
LICENSE NO. MD17220	)	

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 Mark Jensen, MD (Licensee) is a licensed physician in the state of Oregon.

2.

Licensee is a board certified plastic surgeon practicing medicine in Medford, Oregon. The Board opened an investigation after receiving a malpractice report that an indemnity of $290,000 had been paid on behalf of Licensee.

3.

In regard to the above-referenced matter, Licensee and the Board desire to settle this matter by entry of this agreement. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this agreement 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. This agreement is a public document; however, it is not a disciplinary action. This document is reportable to the National Data Bank and the Federation of State Medical Boards.

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4.

In order to address the concerns of the Board and for purposes of resolving this investigation, Licensee and the Board agree to the following terms:

4.1 Within six months from the signing of this Agreement by the Board Chair, Licensee, at his own expense, must complete a course on medical record keeping that is pre-approved by the Board's Medical Director.

4.2 Licensee must immediately report to the Board any complaint that he becomes aware of in regard to his professional conduct at any health care setting.

4.3 Licensee must obey all federal and Oregon State laws and regulations pertaining to the practice of medicine.

4.4 Licensee agrees that any violation of the terms of this Agreement constitutes grounds to take disciplinary action under ORS 677.190(17).

IT IS SO AGREED this 3 day of March, 2015.

SIGNATURE REDACTED

ROBERT MARK JENSEN, MD

IT IS SO AGREED this 28 day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL J. MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
KIP LOUIS KEMPLE, MD	)	ORDER TERMINATING
LICENSE NO. MD10387	)	INTERIM STIPULATED ORDER
	)	

1.

On February 4, 2015, Kip Louis Kemple, MD (Licensee) entered into an Interim Stipulated Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon medical license. On April 2, 2015, Licensee entered into a Stipulated Order with the Board, which retires Licensee's medical license on April 30, 2015.

2.

Having fully considered Licensee's retirement of his medical license, the Board terminates the February 4, 2015, Interim Stipulated Order, effective April 30, 2015.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
KIP LOUIS KEMPLE, MD LICENSE NO. MD10387	)	STIPULATED ORDER

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. Kip Louis Kemple, MD (Licensee) is a licensed physician in the state of Oregon.

2.

Licensee is a board-certified rheumatologist. The Board has previously investigated Licensee's manner of prescribing controlled substances for chronic pain that culminated in Licensee entering into a Stipulated Order with this Board that became effective on March 8, 2007. Licensee was placed on probation for 5 years. The Board terminated this Order on May 5, 2011. On May 20, 2014, the Board opened an investigation related to possible violations of the Medical Practice Act, after receiving credible information regarding Licensee's medical practice. On February 4, 2015, Licensee entered into an Interim Stipulated Order with the Board which limits Licensee's treatment of and prescribing for chronic pain.

3.

Licensee and the Board agree to close this investigation with this Stipulated Order in which Licensee agrees to retire his license while under investigation, consistent with the terms of this 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, but the Board

finds, that Licensee engaged in conduct that violated the Medical Practice Act, to wit ORS 677.190(1)(a) unprofessional conduct, as defined in ORS 677.188(4)(a). Licensee understands that this document is a public record and is reportable to the National Databank and the Federation of State Medical Boards.

4.

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

4.1 Licensee permanently retires his license to practice medicine while under investigation. This retirement of license becomes effective at 5:00 p.m. on April 30, 2015.

4.2 Licensee must obey all federal and Oregon state laws and regulations pertaining to the practice of medicine.

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

IT IS SO STIPULATED this 12th day of March, 2015.

SIGNATURE REDACTED

KIP LOUIS KEMPLE, MD

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
BOARD CHAIR

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
DANIEL DUANE KORT, MD LICENSE NO. MD18043	)	STIPULATED ORDER
	)	

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. Daniel Duane Kort, MD (Licensee) holds an active license to practice medicine in the state of Oregon.

2.

On March 17, 2014, 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 fine, and assessment of costs, against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(13) gross or repeated acts of negligence; ORS 677.190(17) willfully violating any provision of a board rule and ORS 677.190(23) violation of the federal Controlled Substances Act.

3.

Licensee and the Board desire to settle this matter by 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. Licensee 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 or denies but the Board finds that he engaged in conduct that violated ORS 677.190(1)(a); "Unprofessional or dishonorable conduct", as defined in ORS 677.188(4)(a); ORS 677.190(13); "Gross or repeated acts of negligence";

ORS 677.190(17); "Willfully violating any provision of a board rule" and ORS 677.190(23); "Violation of the federal Controlled Substances Act." Licensee understands that this Order is a public record and is a disciplinary action that is reportable to the National DataBank and the Federation of State Medical Boards.

4.

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

4.1 Licensee is reprimanded.

4.2 Licensee must pay a civil penalty of $5,000. Licensee must pay this civil penalty in full within 24 months from the signing of this Order by the Board Chair. Payments must be no less than $100 per payment.

4.3 Licensee is placed on probation for five years. Licensee will report in person to the Board at each of its regularly scheduled quarterly meetings at the scheduled times for a probationer interview unless ordered to do otherwise by the Board.

4.4 Licensee must not practice aesthetic medicine (to include laser and Botox treatments).

4.5 If Licensee offers treatment for weight loss, Licensee must comply with the requirements of OAR 847-015-0010 and OAR 847-015-0015.

4.6 Any practice setting in Oregon must be pre-approved in writing by the Board's Medical Director.

4.7 After two years of demonstrated compliance with the terms of this Order, Licensee may submit a written request to the Board to modify the terms of this Order.

4.8 Licensee stipulates and agrees that this Order becomes effective the date it is signed by the Board Chair.

4.9 Licensee must obey all federal and Oregon state laws and regulations pertaining to the practice of medicine.

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4.10 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 4th day of February, 2015.

SIGNATURE REDACTED

DANIEL DUANE KORT, MD

IT IS SO ORDERED THIS 2nd day of April, 2015.

OREGON MEDICAL BOARD

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
BOARD CHAIR

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
SHERI LEE LAIRD, MD	)	ORDER TERMINATING
LICENSE NO. MD21936	)	CORRECTIVE ACTION AGREEMENT
	)	

1.

On July 12, 2012, Sheri Lee Laird, MD (Licensee) entered into a Corrective Action Agreement with the Oregon Medical Board (Board). This Agreement placed conditions on Licensee's Oregon license. Licensee has submitted documentation that she has successfully completed all terms of this Agreement and has requested that this Agreement be terminated.

2.

In view of Licensee's entry into a Stipulated Order with the Board on April 2, 2015, the Board terminates the July 12, 2012, Corrective Action Agreement, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of SHERI LEE LAIRD, MD LICENSE NO. MD21936	)))))	STIPULATED ORDER

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. Sheri Lee Laird, MD (Licensee) is a licensed physician in the state of Oregon.

2.

On July 29, 2014, 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 sanctions identified in ORS 677.205(2), to include the revocation of license, a $10,000 civil penalty, and assessment of costs, against Licensee for violating the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) and ORS 677.190(13) gross or repeated acts of negligence.

3.

Licensee and the Board desire to settle this matter by entry of this Stipulated Order. Licensee understands that she has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee 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, but the Board finds that she engaged in conduct as set forth in the July 29, 2014, Complaint and Notice of Proposed Disciplinary Action, and that this conduct violated ORS 677.190(1)(a), as defined in ORS 677.188(4)(a), and ORS 677.190(13). Licensee understands that this Order is a public record and

is a disciplinary action that is reportable to the National Data Bank and the Federation of State Medical Boards.

4.

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

4.1 Licensee is reprimanded.

4.2 Licensee may only practice medicine in settings that are pre-approved by the Board's Medical Director.

4.3 Licensee must not prescribe for chronic pain, to include prescribing any Schedule II or III medication in excess of 30 days in one calendar year to any patient, and never in conjunction with any benzodiazepine (Schedule IV).

4.4 Licensee stipulates and agrees that this Order becomes effective the date it is signed by the Board Chair.

4.5 Licensee must obey all federal and Oregon state laws and regulations pertaining to the practice of medicine.

4.6 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 24th day of February, 2015.

SIGNATURE REDACTED

SHERI LEE LAIRD, MD

IT IS SO ORDERED THIS 2nd day of April, 2015.

OREGON MEDICAL BOARD

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
BOARD CHAIR

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
NATHAN BLACKER LEVANGER, DO	)	ORDER TERMINATING
LICENSE NO. DO22827	)	STIPULATED ORDER
	)	

1.

On June 2, 2011, Nathan Blacker Levanger, DO (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon medical license. On December 10, 2014, 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 June 2, 2011, Stipulated Order, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of JOHN FRANCIS LINDBERG, MD LICENSE NO. MD12005	))))))	 ORDER TERMINATING STIPULATED ORDER

1.

On January 10, 2013, John Francis Lindberg, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon medical license. On November 25, 2014, 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 10, 2013, Stipulated Order, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the matter of, OTTO LOUIS LOEHDEN, MD LICENSE NO. MD05975	)	VOLUNTARY LIMITATION

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. Otto Louis Loehden, MD (Licensee) is a licensed physician (emeritus status) in the state of Oregon.

2.

Licensee is a general surgeon who was originally licensed in Oregon on November 2, 1983. Licensee retired from active practice and has held an emeritus license since October 3, 2001.

3.

In order to address the concerns of the Board and for purposes of resolving this matter, Licensee and the Board agree to enter into a Voluntary Limitation pursuant to ORS 677.410. Effective the date this Order is signed by the Board's Chair, Licensee agrees to abide by the following terms and conditions:

3.1 Licensee will not perform surgery or see patients in a clinical setting.

3.2 Licensee stipulates and agrees that any violation of the terms of this Order shall be grounds for disciplinary action under ORS 677.190.

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4.

Licensee understands that this is a final order under Oregon law and therefore is a public record. This order is not a disciplinary action, but is a limitation on Licensee's medical practice and is therefore reportable to the Federation of State Medical Boards and the National DataBank.

IT IS SO STIPULATED this 10 day of MARCH, 2015.

SIGNATURE REDACTED

OTTO LOUIS LOEHDEN, MD

IT IS SO ORDERED this 3rd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
BOARD CHAIR

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
JACQUELINE SUSAN LOGAN, MD LICENSE NO. MD20914	)	ORDER TERMINATING CORRECTIVE ACTION ORDER
	)	
	)	

1.

On April 12, 2007, Jacqueline Susan Logan, MD (Licensee) entered into a Corrective Action Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon license. On February 15, 2015, Licensee submitted documentation that she has successfully completed all terms of this Order and requested that this Order be terminated.

2.

The Board has reviewed the documentation submitted by Licensee and has determined that Licensee has successfully complied with all of the terms of this Order. The Board terminates the April 12, 2007, Corrective Action Order, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

By: _____
MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
JEFFREY ALEXANDER LUTY, MD	)	ORDER TERMINATING
LICENSE NO. MD155853	)	CONSENT AGREEMENT
	)	

1.

On April 5, 2013, Jeffrey Alexander Luty, MD (Licensee) entered into a Consent Agreement with the Oregon Medical Board (Board). This Agreement placed conditions on Licensee's Oregon medical license. On January 8, 2015, the Board issued an Order Modifying Consent Agreement. On January 21, 2015, Licensee submitted a written request to terminate the Consent Agreement.

2.

Having fully considered Licensee's request and his successful compliance with the terms of this Agreement, the Board terminates the October 3, 2013, Consent Agreement and the January 8, 2015, Order Modifying Consent Agreement, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of PAUL DAVID MATZ, MD LICENSE NO. MD12660	)))))	INTERIM STIPULATED ORDER

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. Paul David Matz, MD (Licensee) is a licensed physician in the state of Oregon and holds an active medical license.

2.

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 is not an admission of any wrongdoing on the part of the Licensee, and will remain in effect while this matter remains under investigation, and provides that Licensee shall comply with the following conditions:

3.1 Within 90 days of the effective date of this Order, Licensee must reduce patient morphine equivalent doses to 100 or less for chronic pain patients.

3.2 Within nine months of the effective date of this Order, benzodiazepines and muscle relaxants must be eliminated from the treatment regimen for any patient on chronic opioid therapy.

3.3 Licensee must not begin treatment for chronic pain for any new or existing patient, and must not increase the dosage of opioid medications or begin prescribing benzodiazepines or muscle relaxants for any existing chronic pain patient. For the purposes of this Order, chronic pain is defined as pain that persists or progresses over a period of time greater than 30 days.

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

3.5 Licensee understands this Order becomes effective the date he signs it.

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

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as evidence in any judicial proceeding. However, as a stipulation this Order is a public document and is reportable to the National Databank and the Federation of State Medical Boards.

IT IS SO STIPULATED THIS 18th day of MARCH, 2015.

SIGNATURE REDACTED

PAUL DAVID MATZ, MD

IT IS SO ORDERED THIS 23rd day of March, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

KATHLEEN HALEY, JD
EXECUTIVE DIRECTOR

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
RICHARD LYNN MENTZER, JR., MD LICENSE NO. MD08548	)	ORDER TERMINATING CORRECTIVE ACTION ORDER
	)	

1.

On July 12, 2007, Richard Lynn Mentzer, Jr., MD (Licensee) entered into a Corrective Action Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon license. On December 10, 2014, Licensee submitted documentation that he has successfully completed all terms of this Order and requested that this Order be terminated.

2.

The Board has reviewed the documentation submitted by Licensee and has determined that Licensee has successfully complied with all of the terms of this Order. The Board terminates the July 12, 2007, Corrective Action Order, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
VINCENT PEDRO REYES, MD	)	CORRECTIVE ACTION AGREEMENT
LICENSE NO. MD16883	)	

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. Vincent Pedro Reyes, MD (Licensee) is a licensed physician in the state of Oregon.

2.

Licensee is a board certified cardiologist practicing in Portland, Oregon. The Board opened an investigation after receiving a report that Licensee had voluntarily agreed to refrain from utilizing his interventional cardiology privileges at Providence St. Vincent Medical Center (PSVMC) in lieu of a precautionary suspension of his interventional cardiology privileges. Licensee subsequently successfully completed Phase I of an assessment at the Physician Assessment and Clinical Education (PACE) program; and agreed to self-limit his invasive and interventional privileges at PSVMC to elective, ambulatory privileges.

3.

In regard to the above-referenced matter, Licensee and the Board desire to settle this matter by entry of this agreement. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this agreement 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. This agreement is a public document; however, it is not a disciplinary action. This document is reportable to the National Data Bank and the Federation of State Medical Boards.

4.

In order to address the concerns of the Board and for purposes of resolving this investigation, Licensee and the Board agree to the following terms:

4.1 Licensee must, at his own expense, perform ten elective or emergent interventional cardiac cases under the mentorship of a cardiologist that is pre-approved by the Board's Medical Director. The ten mentored cases must be completed within 60 days of the approval of the mentor. At the conclusion of the ten cases, the Board approved mentor will submit a written report to the Board that includes an assessment of Licensee's interventional cardiology skills, clinical judgment, and ability to safely practice medicine.

4.2 Licensee must obey all federal and Oregon State laws and regulations pertaining to the practice of medicine.

4.3 Licensee agrees that any violation of the terms of this Agreement constitutes grounds to take disciplinary action under ORS 677.190(17).

IT IS SO AGREED this 9 day of March, 2015.

SIGNATURE REDACTED

VINCENT PEDRO REYES, MD

IT IS SO AGREED this 27th day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL J. MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of ADRIANA RIVADENEIRA ALMENARA, LAC LICENSE NO. AC166926	)))))	 ORDER TERMINATING CONSENT AGREEMENT

1.

On October 7, 2014, Adriana Rivadeneira Almenara, LAc, (Licensee) entered into a Consent Agreement with the Oregon Medical Board (Board). This Agreement placed conditions on Licensee's Oregon license. On March 23, 2015, Licensee submitted documentation that she has successfully completed all terms of this Agreement and requested that this Agreement be terminated.

2.

The Board's Medical Director has reviewed the documentation submitted by Licensee and has determined that Licensee has successfully complied with all of the terms of this Agreement. The Board does hereby order that the October 7, 2014, Consent Agreement be terminated effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of RANDY LOUIS SASICH, MD LICENSE NO. MD28977	))) ORDER MODIFYING) CONSENT AGREEMENT)

1.

On October 3, 2013, Randy Louis Sasich, MD (Licensee) entered into a Consent Agreement with the Oregon Medical Board (Board). This Order placed certain conditions on Licensee's medical license. On November 17, 2014, Licensee submitted a written request asking the Board to modify term 4.2 of this Order, which reads:

> *4.2 Within one year from the date this Agreement is signed by the Board Chair, Licensee must complete the re-certification process with the American Board of Internal Medicine.*

2.

Having fully considered Licensee's request, the Board modifies term 4.2 of the October 3, 2013, Consent Agreement as follows:

4.2 Within two years from the date this Agreement is signed by the Board Chair, Licensee must complete the re-certification process with the American Board of Internal Medicine.

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This modification becomes effective the date this Order is signed by the Board Chair. All other terms of the October 3, 2013, Consent Agreement are unchanged and remain in full force and effect.

IT IS SO ORDERED this 2nd day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
Board Chair

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of ALLEN JAN THOMASHEFSKY, MD LICENSE NO. MD08126	))))))	INTERIM STIPULATED ORDER

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. Allen Jan Thomashefsky, MD (Licensee) is a licensed physician in the state of Oregon and holds an active medical license.

2.

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 is not an admission of any wrongdoing on the part of the Licensee, and will remain in effect while this matter remains under investigation, and provides that Licensee shall comply with the following conditions:

3.1 Licensee must not order or perform any injections except immunizations recommended by the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices.

3.2 Licensee must not retrieve or process any blood or tissue from a patient unless it is sent to a laboratory that is certified in Oregon.

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

3.4 Licensee understands this Order becomes effective the date he signs it.

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 and is reportable to the National Databank and the Federation of State Medical Boards.

IT IS SO STIPULATED THIS __ day of _____, 2015.

SIGNATURE REDACTED

ALLEN JAN THOMASHEFSKY, MD

IT IS SO ORDERED THIS 14 day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

JOE THALER, MD
MEDICAL DIRECTOR

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
JEFFREY RICHARD TYLER, MD LICENSE NO. MD13966	)	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 physicians, in the state of Oregon. Jeffrey Richard Tyler, MD (Licensee) is a licensed physician in the state of Oregon.

2.

On April 3, 2014, 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 sanctions identified in ORS 677.205(2), to include the revocation of license, a $10,000 civil penalty, and assessment of costs, against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a), (b) and (c); and ORS 677.190(13) gross or repeated acts of negligence.

3.

Licensee is a board-certified internist practicing in Portland, Oregon. Licensee's acts and conduct that violated the Medical Practice Act follow:

3.1 Patient A, a 59-year-old male, first presented to Licensee in March of 2007 with complaints related to anxiety and insomnia. During the first clinical visit, Patient A had an alcohol withdrawal seizure. Patient A's wife, who had accompanied him, reported that Patient A customarily drank about 20 beers a day. Shortly thereafter, Patient A entered an alcohol treatment program. Following his discharge from that program, Patient A asked Licensee for a prescription of hydrocodone/acetaminophen (Vicodin, Schedule III). Licensee acquiesced and wrote a prescription for both Vicodin and Zolpidem (Ambien, Schedule IV) without medical

justification. By November of 2007, Patient A admitted to drinking about 4 – 8 beers a day. A neurology consultation in 2008 opined that Patient A had chronic alcoholism and alcohol withdrawal seizures. An MRI of the brain showed early atrophy (suggestive of dementia). In June and September of 2009, Licensee provided Chlordiazepoxide (Librium) to help Patient A withdraw from alcohol on his own, but Licensee did not provide any monitoring, thereby unnecessarily exposing Patient A to the risk of harm. During the course of a clinical visit, Licensee engaged in a boundary violation by disclosing to Patient A that Licensee's sister was expected to die within the next couple of weeks, but that he could not afford to go see her. Shortly thereafter, in January of 2010, Patient A called Licensee to offer him some frequent flyer miles. Licensee accepted a gift of frequent flyer miles from Patient A and used those miles to pay for a personal roundtrip to Chicago from Portland. In May of 2010, Patient A left Hazelden Springbrook treatment center early against medical advice, where he was receiving inpatient care for alcohol as well as dependence on Clonazepam (Klonopin, Schedule IV) and Zolpidem (Ambien, Schedule IV). Patient A presented to Licensee in July of 2010, complaining that he had difficulty sleeping. Patient A asked Licensee to restart Zolpidem. Licensee agreed and prescribed Zolpidem 10 mg nightly, and Zolpidem CR (Zolpidem Tartrate) 12.5 mg nightly. Licensee engaged in gross or repeated acts of negligence by prescribing Zolpidem to Patient A after he had recently undergone inpatient treatment for Zolpidem dependence, and by continuing to prescribe Zolpidem in excess of the recommended dose of 10 mg. Licensee's manner of prescribing also subjected Patient A to the risk of harm.

3.2 In August of 2010, Patient A's wife reported that Patient A was still drinking alcohol and "passing out," and that he had "hundreds" of Zolpidem tablets that he was hiding in the trunk of his car. Licensee charted that he told Patient A that he would no longer prescribe Zolpidem for him. Nevertheless, about 8 days later, Licensee wrote a prescription for chlordiazepoxide for outpatient alcohol withdrawal and restarted Patient A on Zolpidem and did not order a urinary drug screen (UDS), despite the evidence of diversion. This treatment was not medically indicated and exposed Patient A to the risk of harm. In September of 2010, Licensee noted in the chart that he told Patient A that if he continued to drink he would terminate him as a

patient. In December of 2010, Licensee continued to prescribe Zolpidem 10 mg every night at bedtime and Zolpidem CR, 12.5 mg nightly. Licensee asserts that he verbally instructed Patient A to either take one, or the other, but not both, but that is not reflected in the chart. Licensee authorized an early refill of medication in February of 2011, ostensibly because Patient A claimed that it was stolen from his car. In the subsequent months, Patient A continued to drink alcohol, promised to stop drinking, and then resumed drinking. Licensee continued to prescribe Zolpidem 10 mg and Zolpidem CR 12.5 mg nightly, as well as lorazepam (Schedule IV), 1 mg twice daily. On January 10, 2012, Licensee noted that Patient A had missed two scheduled appointments, had resumed drinking, and had another alcohol withdrawal seizure. Licensee noted that he would no longer prescribe Zolpidem, lorazepam, Librium "or any potentially sedating medications" and referred to this patient as a "drunk" and a "liar." Licensee's decision to continue to prescribe a high dosage of Zolpidem along with lorazepam despite the evidence of Patient A's ongoing abuse of alcohol and treatment noncompliance constituted gross or repeated acts of negligence and subjected Patient A to the risk of harm.

3.3 Patient B, a 60-year-old male, presented to Licensee in April of 2012 with a history that included atherosclerotic heart disease, chronic pain "due to trauma," alcohol dependence, depressive disorder, suicide ideations, and an intracranial hemorrhage from a car accident in 1977. Licensee conducted a limited physical examination and ordered a urine drug screening (UDS) test, which was positive for marijuana metabolite and phenobarbital. Licensee had Patient B sign a pain management agreement and prescribed hydrocodone-acetaminophen (Vicodin, Schedule III) at 5 mg/500mg, 2 tablets, 3 times daily, and lorazepam (Ativan, Schedule IV), 1 mg tablet daily. These medications were not medically indicated. Patient B presented again on May 24, 2012, following his discharge from a hospitalization for suicidal ideations. Patient B's UDS was again positive for marijuana metabolite. Licensee continued to prescribe Vicodin and Ativan. On June 21, 2012, Patient B presented to Licensee complaining of left shoulder pain due to a dislocation he suffered in a car accident years ago. Despite the risk of increased sedation posed by combining an opiate with a benzodiazepine, Licensee continued to prescribe Vicodin, 5/500 mg 2 tablets, 3 times a day, and Ativan, 1 mg, 3 times daily. Licensee

renewed these prescriptions in July. Patient B was admitted to an emergency room in April, May, July and August of 2012, with recurring complaints of depression, anxiety and suicidal ideations. Licensee reviewed these ER visits and noted that Patient B had alcohol in his system when he went to the ER in July and August of 2012. On August 21, 2012, Licensee informed Patient B that he would no longer prescribe him Vicodin, although Licensee did give Patient B a prescription for 2 tablets per the patient's request. Licensee's decision to prescribe both Vicodin and Ativan, (an opioid with a benzodiazepine) to a depressed, active alcoholic without documented medical indication and positive UDS tests constituted gross or repeated acts of negligence and subjected Patient B to the risk of harm.

3.4 Patient C, an 81-year-old female from Long Beach, Washington, began to receive ultraviolet (UV) light therapy from Licensee in 1995. In 1996, Patient C was diagnosed with breast cancer. Licensee subsequently drove into the state of Washington where Licensee does not have a license to practice medicine to treat Patient C on a recurring basis over the course of 12 to 18 months. Practicing medicine in another state without the appropriate state medical license constitutes unprofessional or dishonorable conduct. Licensee's pattern of treatment for Patient C consisted of the following: he would withdraw a pint of blood from Patient C, pass the blood through a glass tube housed inside an UV light chamber and reinfuse that blood into Patient C, for the asserted benefit of stimulating the immune system to help fight infection. This form of UV therapy is not supported by peer-reviewed medical science, poses a risk of harm to the patient, and provides no proven medical benefit. In 2010, Patient C developed bone metastasis to her spine. Licensee reports that he recommended radiation and chemotherapy, but she declined this form of treatment, which could have been of great value during the early stages of breast cancer. Licensee continued to treat Patient C with UV light therapy. Subsequently, Patient C developed difficulties with intravenous (IV) access, so Licensee arranged for a surgeon to place a Hickman catheter into her right subclavian vein, so that he could access her vein on repeated occasions to withdraw and reinfuse blood for UV light treatments. In January 2011, the Hickman catheter was replaced with a new one. In June 2011, Patient C developed increasing back pain and Licensee referred the patient for radiation therapy. In 2011, Patient C finally came

under the care of an oncologist in the state of Washington who treated her extensive metastatic disease with chemotherapy. In March of 2013, when Patient C complained of new lower neck pain, and when x-rays showed evidence of increasing tumor activity in her bones, the oncologist began additional chemotherapy. Chest and abdominal CT scans showed evidence of pulmonary emboli and she was hospitalized. On May 22, 2013, she presented to the oncologist complaining of fever and chills. A blood culture was taken, which returned positive for gram-negative rod Alcaligenes (which is resistant to Ceftriaxone). Patient C presented to Licensee on May 24, 2013. Licensee gave Patient C a dose of IV Ceftriaxone as well as oral tablets. Licensee asserts that he did not have the results from the blood culture at the time he administered Ceftriaxone to the patient. The treating oncologist informed Licensee that the Hickman catheter was infected and should be replaced with a Port-A-Cath, which allows for the continued administration of chemotherapy. Licensee reports that Patient C insisted that the catheter be replaced with another Hickman catheter, so that blood could still be withdrawn for UV light treatment, which was not medically indicated to treat Patient C's cancer. Licensee did not document Patient C's insistence of the replacement in the patient record. Licensee persisted in treating Patient C with UV light treatment using the Hickman catheter. This type of catheter unnecessarily exposed Patient C to the risk of infection, and was the likely cause of Patient C's sepsis. For many years, Licensee's medical records on Patient C reveal infrequent and incomplete documentation of patient visits, with almost no documentation of vital signs, physical examinations, and informed consent. The treatment that Licensee provided Patient C was not medically indicated and unnecessarily exposed her to the risk of infection.

3.5 Patient D, a 60-year-old male, presented to Licensee on May 18, 2010, with a complaint of suprapubic pain. On November 1, 2010, Patient D presented to Licensee and complained that the one-half pill of 10 mg Diazepam (Valium, Schedule IV), that Licensee had prescribed for him was not helping "much with his anxiety." Patient D reported that he was drinking on average, two bottles of wine every day and perhaps more on weekends and holidays. He expressed a desire to stop drinking and requested Antabuse. Licensee increased his Valium intake to one 10 mg pill, twice daily, and a prescription for Antabuse, 500 mg, 30 tablets, with 2

refills, to take once daily. Licensee also gave two refills of Valium and administered a Testosterone (Schedule III) intramuscular (IM) injection. Licensee's chart notes do not reflect any discussion or recommendation for alcohol detoxification, or referral to either an inpatient or outpatient substance abuse treatment center. Neither did Licensee order a liver function test. Licensee continued to prescribe Valium and testosterone. On July 28, 2011, Licensee was prescribing Valium, 10 mg, 1 tablet, twice daily, testosterone 200 mg IM, every 2 weeks, and hydrocodone 7.5 mg/acetaminophen 300 mg (Vicodin ES), 1 tablet, 4 times daily. Licensee's decision to prescribe Antabuse for Patient D before having him undergo treatment for alcohol detoxification, and to continue to prescribe Valium and Vicodin ES while the patient reported consuming a large volume of alcohol on an ongoing basis (and without performing a liver function study) constituted gross or repeated acts of negligence and subjected Patient D to the risk of harm.

3.6 Patient E, a 72-year-old female, first presented to Licensee on October 5, 2011, with a diagnosis of history of chronic lower back pain, alcohol-induced dementia, hypertension and alcohol dependence. It was reported that she occasionally "escapes" from the foster home where she was living and "goes drinking." Licensee wrote a prescription for morphine, (Schedule II), 30 mg, 1 tablet, 3 times daily and lorazepam, 1 mg tablet, 3 times daily, while discontinuing her prescriptions for clonidine and buspirone. On November 17, 2011, Licensee notes that Patient E was in the ER the previous month with "acute alcohol intoxification." Licensee continued Patient E on both morphine and lorazepam. Licensee ordered a blood test, which was negative for alcohol. On December 1, 2011, Patient E presented to Licensee with complaints of lower back pain that "shoots down her right leg." She stated that the morphine was not doing her "any good and would like to switch to Percocet." Licensee discontinued the morphine as well her acetaminophen, and prescribed Oxycodone/acetaminophen (Percocet, Schedule II), 7.5/325 mg, 2 tablets, 4 times daily. Licensee's failure to refer Patient E for treatment for her alcohol dependence, as well as his prescriptions of opioids together with a benzodiazepine, constituted gross or repeated acts of negligence and subjected this patient to the risk of harm.

3.7 The Board also conducted a review of patients who suffered from persistent non-malignant pain conditions, and found that in regard to Patients F - I, Licensee prescribed unacceptably high doses of multiple prescription opioids in combination with unacceptably high doses of prescription benzodiazepines. Licensee failed to provide material risk notification; failed to conduct a risk assessment before initiating high dose opioid therapy; failed to address the efficacy of the treatment provided during follow-up clinical visits (to include failing to assess patient function and pain status) after initiating high dose opioid therapy; and failed to ensure that effective surveillance measures were in place, to include UDS and pill counts. Specific patient care concerns that constituted gross or repeated acts of negligence and subjected the patients to the risk of harm follow:

a. Patient F, a 62-year-old psychiatrically fragile woman, presented to Licensee with complaints of pain, anxiety, difficulty getting restful sleep, and a history of drug overdose. Licensee treated her with a morphine equivalent dose (MED) in excess of 2,650 mg a day, while prescribing a benzodiazepine, diazepam, 40 mg a day, and clonazepam, 2 mg a day. Both of these benzodiazepines, when combined with opiates, can increase the incidence of hypoxia, apnea, and increased sedation. Licensee failed to provide material risk informed consent notification to Patient F, and did not try other forms of therapy or seek a pain consultation after she suffered an injury from a motor vehicle accident. In April of 2013, Licensee was prescribing Oxycodone, 30 mg, 810 tablets a month, in addition to the benzodiazepines, and had also authorized medical marijuana for Patient F. The chart reflects that Licensee had Patient F undergo only 3 UDS since October of 2011, and did not conduct pill counts, conduct a risk assessment, or evaluate the efficacy of treatment during subsequent clinical visits. The dosage and combination of Patient F's medications were not medically indicated and posed a significant risk of harm.

b. Patient G, a 62-year-old disabled woman with chronic obstructive pulmonary disease (COPD) and persistent post-operative hip pain, came under Licensee's care in 2011, through September 2013. Patient G was already on a regimen of opiates and benzodiazepines from a previous provider. Licensee increased the dosage of Oxycontin

(Schedule II) from 405 mg a day to 540 mg a day, Oxycodone (Schedule II) from 75 mg a day to 180 mg a day, and hydromorphone (Schedule II) from 8 mg to 16 mg a day. Licensee continued the dosage of benzodiazepines, to include alprazolam (Xanax, Schedule IV) 2 mg 3 times a day and Zolpidem (Ambien, Schedule IV), 10 mg at bedtime. Licensee did not conduct pill counts, conduct a risk assessment, or evaluate the efficacy of treatment during subsequent clinical visits, and conducted only two UDS' of Patient G. The dosage and combination of Patient G's medications were not medically indicated and posed an exceptionally high risk of harm in view of her COPD.

3.8 On June 15, 2010, Patient H, a 29-year-old male with a history of conviction for heroin possession and repeated incarcerations for probation violations, first presented to Licensee complaining of non-specific back pain from an injury sustained in a motorcycle accident. An MRI showed a broad moderate disc protrusion at L3-4. From June 15, 2010 to September 1, 2010, Licensee prescribed oxycodone (Schedule II) 5 mg, 1 tablet 4 times a day; Oxycontin (Schedule II) 80 mg, 1 tablet 4 times per day; and alprazolam (Xanax, Schedule IV) .5 mg, 1 tablet 3 times a day. Licensee saw Patient H on September 1, 2010 and then not again until Patient H returned to the clinic on February 27, 2013, when he informed Licensee that he suffered an injury in a recent motor vehicle accident and that his pain was localized in his lower back. Licensee prescribed oxycodone, 10 mg, 2 tablets 3 times daily and alprazolam .5 mg, 1 tablet, 3 times a day. Licensee executed a new pain contract with Patient H on February 27, 2013. A UDS conducted on June 19, 2013 was positive for marijuana, hydrocodone, morphine and oxycodone. Only the oxycodone had been prescribed by the Licensee. Licensee noted that Patient H was on probation due to issues involving marijuana and illegally obtained prescription drugs, however Licensee did not otherwise address Patient H's use of hydrocodone and morphine but changed the prescription of alprazolam to 1 tablet at bedtime. In July 2013, a county Probation Office called Licensee's clinic and reported that Patient H had recently appeared in Adult Drug Court in Clackamas County while impaired due to the influence of prescribed medications. On August 21, 2013, a close family member of Patient H called Licensee to report that Patient H has a history of pain medicine addiction and that he is "good at

convincing people he is in pain in order to get drugs." On September 3, 2013, Patient H requested that Licensee increase the prescription for oxycodone to 5 tablets per day. Licensee declined but renewed the existing prescriptions. On October 1, 2013, Licensee confronted Patient H in regard to his visit to the emergency room on September 24, 2013, because "he was stuporous secondary to taking too much oxycodone and alprazolam." Licensee told him that he was terminating his care but was willing to give him a two-week supply of oxycodone and alprazolam. Licensee never saw Patient H again. Licensee failed to provide material risk notification to Patient H; failed to conduct a risk assessment before initiating high dose opioid therapy; failed to address the efficacy of the treatment provided during follow-up clinical visits (to include failing to assess patient function and pain status) after initiating high dose opioid therapy; and failed to effectively follow up on a positive UDS. Instead of directly addressing Patient H's underlying medical issue, opiate addiction, Licensee continued to prescribe opiates despite signs of opiate addiction and diversion, until he terminated Patient H's care in October of 2013. This exposed Patient H to the risk of harm.

4.

Licensee and the Board desire to settle this matter by 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. Licensee 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 admits that he engaged in conduct that violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a), (b) and (c); and ORS 677.190(13) gross or repeated acts of negligence. Licensee understands that this Order is a public record and is a disciplinary action that is reportable to the National Data Bank and the Federation of State Medical Boards.

5.

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

5.1 Licensee is reprimanded.

5.2 Licensee must pay a civil penalty of $7,500, payable in full within 90 days from the signing of this Order by the Board Chair.

5.3 Within 180 days from the signing of this Order by the Board Chair, Licensee must successfully complete a course on medical ethics that is pre-approved by the Board's Medical Director.

5.4 Licensee is placed on probation. Licensee must report in person to the Board at each of its regularly scheduled quarterly meetings at the scheduled times for a probationer interview unless directed to do otherwise by the Board or its Compliance Officer.

5.5 Licensee may only practice in a medical group setting that is pre-approved by the Board's Medical Director. This term goes into effect 60 days after this Order is signed by the Board Chair to allow for a transition period for Licensee to close his clinical practice.

5.6 Notwithstanding the provision of paragraph 5.5, Licensee may continue to assist surgeons licensed in the state of Oregon with procedures, under the supervision of the lead surgeon, in accredited hospitals and accredited ambulatory surgical centers.

5.7 Licensee must not supervise physician assistants.

5.8 Licensee must not provide treatment to any patient for substance use disorder.

5.9 Licensee must not treat patients for chronic pain. For the purposes of this Order, chronic pain is defined as pain that persists or progresses over a period of time greater than 30 days. Licensee must not prescribe any medication for pain for any patient in excess of 30 days for any one year period, and must not prescribe benzodiazepines in combination with opiates.

5.10 Licensee stipulates and agrees that this Order becomes effective the date it is signed by the Board Chair.

5.11 This order terminates the Interim Stipulated Orders of November 27, 2013, and January 7, 2014, effective the date the Board chair signs this Order.

5.12 Licensee must obey all federal and Oregon state laws and regulations pertaining to the practice of medicine.

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5.13 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 4 day of February, 2015.

SIGNATURE REDACTED

JEFFREY RICHARD TYLER, MD

IT IS SO ORDERED THIS 21st day of April, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

MICHAEL MASTRANGELO, MD
BOARD CHAIR

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of PATRICK CARL YEAKEY, MD LICENSE NO. MD23238	)))))	INTERIM STIPULATED ORDER

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 Carl Yeakey, MD (Licensee) is a licensed physician in the state of Oregon and holds an active medical license.

2.

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 is not an admission of any wrongdoing on the part of the Licensee, and will remain in effect while this matter remains under investigation, and provides that Licensee shall comply with the following conditions:

3.1 Licensee must not begin treatment for chronic pain for any new or existing patient, and must not increase the dosage of opioid medications or begin prescribing benzodiazepines or carisoprodol (Soma) for any existing chronic pain patient. For the purposes of this Order, chronic pain is defined as pain that persists or progresses over a period of time greater than 30 days.

3.2 Licensee must immediately begin to taper opioid medications for chronic pain patients with an MED over 120 as follows:

a. For patients taking 400 or less MED, the taper to 120 MED or less must be completed within 120 days.

b. For patients taking benzodiazepines and opioid MED of 400 or less, the taper to 120 MED or less must be completed within 120 days.

c. For patients taking more than 400 MED, the taper to 120 MED or less must be completed within 180 days.

d. For patients taking benzodiazepines and opioid MED more than 400, the taper to 120 MED or less must be completed within 270 days.

3.3 Within six months of the effective date of this Order, benzodiazepines and carisoprodol (Soma) must be eliminated from the treatment regimen for any patient on chronic opioid therapy.

3.4 For patients on chronic opioid therapy Licensee may prescribe benzodiazepines for a single acute event, not to exceed seven days in a calendar year.

3.5 Licensee must not direct any other provider to prescribe for chronic pain patients on his behalf.

3.6 Licensee may continue to prescribe greater than 120 MED for chronic pain for his patients who are currently enrolled in hospice or who are currently receiving treatment for a diagnosis of cancer. Licensee must certify on the written prescription that the patient is a hospice or cancer patient.

3.7 Licensee must not supervise any other provider's treatment of chronic pain.

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

3.9 Licensee understands this Order becomes effective the date he signs it.

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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 and is reportable to the National Databank and the Federation of State Medical Boards.

IT IS SO STIPULATED THIS 27 day of March, 2015.

SIGNATURE REDACTED

PATRICK CARL YEAKEY, MD

IT IS SO ORDERED THIS 30th day of March, 2015.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

KATHLEEN HALEY, JD
EXECUTIVE DIRECTOR