

Oregon Medical Board
BOARD ACTION REPORT
October 16, 2008 – November 15, 2008

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

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

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

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

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

ACKROYD, Alan Wile, MD; MD21742; Medford, OR

The Board issued an Order Terminating Corrective Action Order on October 16, 2008. This Order terminated Licensee's November 11, 2007 Corrective Action Order.

***AHMAD, AFTAB , MD; MD08966; PORTLAND, OR**

Licensee entered into a Voluntary Limitation with the Board on October 16, 2008. In this Order Licensee agreed that he will not perform any surgical procedure as primary surgeon, but may serve as a surgical assistant for general, cardiac and thoracic surgery cases.

AMPARO, Evelina Gotardo, MD; MD11723; Roseburg, OR

Licensee entered into a Corrective Action Order with the Board on October 10, 2008. In this Order, Licensee agreed to be under the care and treatment of a physician pre-approved by the Board's Medical Director. This is not a disciplinary action.

***BILDER, Paul Andre, MD; MD10160; Cottage Grove, OR**

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

***BURLESON, David Oliver, MD; MD15077; Beaverton, OR**

Licensee entered into a Stipulated Order with the Board in which he agreed to permanently surrender his Oregon medical license. Licensee agreed to never reapply for a license in Oregon or any other jurisdiction of the United States.

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

Licensee entered into a Stipulated Order with the Board on November 6, 2008. In this Order Licensee permanently retired his Oregon medical license while under investigation.

***FREEMAN, Dale Owens, AC; AC00213; SHERIDAN, OR**

The Board issued an Order Modifying Stipulated Order on October 16, 2008. This Order holds Term 5.2 of Licensee's August 2, 2007 Stipulated Order in abeyance until such time Licensee resumes the practice of acupuncture under the terms set forth in the Stipulated Order.

***HALSTEAD, William Elbert, MD; MD23424; La Grande, OR**

Licensee entered into an Interim Stipulated Order with the Board on November 6, 2008. In this Order Licensee agreed to withdraw from the practice of medicine pending the conclusion of the Board's investigation.

***KABACY, GEORGE ELLIOTT, MD; MD07973; LACEY, WA**

The Board issued a Default Final Order on October 16, 2008. This Order revoked Licensee's Oregon medical license.

***MEAD, Richard Joseph, MD; MD11683; Salem, OR**

The Board issued an Order Terminating Stipulated Order on October 16, 2008. This Order terminates Licensee's January 15, 2004 Stipulated Order.

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

Licensee entered into a Stipulated Order with the Board on November 6, 2008. In this Order Licensee agreed to permanently retire his Oregon medical license while under investigation.

***PLUEDEMAN, Carin Kay, MD; MD18885; Tigard, OR**

The Board issued an Order Terminating Stipulated Order on October 16, 2008. This Order terminates Licensee's January 12, 2006 Stipulated Order.

***RICHARDS, Jeffrey James, MD; MD24878; Portland, OR**

Licensee entered into a Stipulated Order with the Board on October 16, 2008. In this Order, Licensee surrendered his license to practice medicine under investigation. Licensee will not practice any form of medicine, to include administrative medicine, self-prescribing, treating and/or prescribing to his friends and family members, and in independent medical examinations.

***RIPPLINGER, Joseph John, AC; AC00626; Portland, OR**

The Board issued an Order Modifying Stipulated Order on October 16, 2008. In this order, Term 5.7 has been modified as follows: Licensee shall not provide acupuncture or any other medical treatment to any female without the presence of a medically trained chaperone. The chaperone must be physically present during the entire clinical interaction and must concurrently chart their presence in the patient chart. The chaperone must not be a friend, spouse, or family member of the patient or Licensee. Licensee understands that Board staff may make unannounced visits to ensure compliance with this term.

***SAKS, Seldon Keith, MD; MD15511; Tualatin, OR**

The Board issued an Order of Emergency Suspension on October 16, 2008. The Board took this action based on its immediate concerns regarding the safety and welfare of Licensee's current and future patients and due to Licensee's failure to comply with his February 7, 2008 Final Order.

***TABOR, GARETH AUBREY, MD; MD15143; LAKE OSWEGO, OR**

The Board issued an Order Terminating Stipulated Order on October 16, 2008. This Order terminates Licensee's December 5, 2002 Stipulated Order.

WEAKLEY, Ross Edward, AC; AC01007; Prineville, OR

The Board issued an Order Terminating Corrective Action Order on November 6, 2008. This Order terminated Licensee October 24, 2008 Corrective Action Order.

Licensee entered into a Corrective Action Order with the Board on October 24, 2008. In this Order, Licensee agreed to have a practice mentor under the conditions specified in Licensee's Acupuncture Mentorship Outline. This is not a disciplinary action.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

3.

Licensee understands that this is not a disciplinary action, but it is a public record. This Order becomes effective the date it is signed by the Board Chair.

IT IS SO STIPULATED this 25th day of September, 2008.

SIGNATURE WITHHELD

IT IS SO ORDERED this 16th day of October, 2008.

OREGON MEDICAL BOARD

SIGNATURE WITHHELD

PATRICIA L. SMITH, MD
BOARD CHAIR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
PAUL ANDRE BILDER, MD)
LICENSE NO. MD10160) ORDER TERMINATING
STIPULATED ORDER

1.

On April 17, 2003, Paul Andre Bilder, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed Licensee on probation with conditions. On June 16, 2008, 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 does hereby terminate Licensee's April 17, 2003 Stipulated Order. This termination is effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 16th day of October, 2008.

BOARD OF MEDICAL EXAMINERS
State of Oregon

(SIGNATURE WITHHELD

PATRICIA L. SMITH
Board Chair

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
DAVID OLIVER BURLESON, MD) STIPULATED ORDER
LICENSE NO. MD15077)
)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. David Oliver Burleson, MD (Licensee) is a physician in the state of Oregon who surrendered his license to practice medicine while under investigation on October 6, 2005. This Order also placed conditions upon Licensee's ability to reapply for licensure after a period of two years.

2.

Based upon new information provided to the Board by the Multnomah County (Oregon) District Attorney's Office, the Board will now take additional disciplinary action pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) and ORS 677.190(6) conviction of any offense punishable in a Department of Corrections institution.

The acts and conduct alleged to violate the Medical Practice Act are as follows:

2.1 The Multnomah County District Attorney opened a criminal investigation after receiving a report from the Board pursuant to ORS 677.320(2) in regard to Licensee's misconduct in regard to two adult female patients, identified as Patients A and B. On December 20, 2007, Licensee pled guilty to two counts of Attempted Sexual Abuse in the First Degree. Licensee was also found guilty after pleading no contest to one count of Attempted Unlawful Sexual Penetration in the First Degree. Both patients, identified in

1 the indictment as Jane Doe #1 and Jane Doe #2, were physically helpless due to sedation
2 administered by Licensee (an anesthesiologist) preparatory to oral surgery.

3 2.2 Licensee was sentenced to 60 months of confinement with the Oregon
4 Department of Corrections, to pay \$10,000 in restitution to each of the two adult female
5 victims, and to comply with certain stipulated conditions, to include agreeing not to
6 practice medicine and never to reapply for a medical license again.

7 3.

8 Based upon the record of conviction and the information in the indictment and pleading
9 documents provided by the District Attorney, as described in Paragraph 2, Licensee and the
10 Board agree to close this investigation with entry of this new Stipulated Order. The Board and
11 Licensee agree that this Order will supersede the previous Stipulated Order of October 6, 2005,
12 in which Licensee previously surrendered his license under investigation. The surrender under
13 investigation of the medical license of Licensee will remain in effect with the additional
14 stipulations that the surrender of license by Licensee is permanent and that Licensee will never
15 reapply for a medical license. Licensee understands that he has the right to a contested case
16 hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes and
17 fully and finally waives the right to a contested case hearing and any appeal therefrom by the
18 signing of and entry of this Order in the Board's records. Licensee understands that this
19 document is a public record and is reportable to the National Practitioners Data Bank. Licensee
20 stipulates that the facts set forth in paragraph 2 are true, and that he engaged in the conduct that
21 supported the violations described in paragraph 2 and that this conduct violates: ORS
22 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) and
23 ORS 677.190(6) conviction of any offense punishable in a Department of Corrections institution.

24 ///

25 ///

26 ///

1 4.

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

4 4.1 Licensee's surrender of license to practice medicine while under investigation is
5 permanent. Licensee agrees never to practice medicine, whether paid or volunteer, to
6 include writing prescriptions to any person or seeing patients in any setting.

7 4.2 Licensee agrees that he will never reapply for a medical license in the state of
8 Oregon or any other location within the jurisdiction of the United States of America or
9 the United States territories.

10 4.3 Licensee stipulates and agrees that any violation of the terms of this Order
11 shall be grounds for further disciplinary action under ORS 677.190(18).

12
13 IT IS SO STIPULATED this 9 day of October, 2008.

14
15 SIGNATURE WITHHELD

16 DAVID OLIVER BURLESON, MD

17
18 IT IS SO ORDERED this 16th day of October, 2008.

19 OREGON MEDICAL BOARD
20 State of Oregon

21 SIGNATURE WITHHELD

22 PATRICIA SMITH, PUBLIC MEMBER
23 BOARD CHAIR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
LERROY SKIBSTED CASPERSEN, MD) STIPULATED ORDER
LICENSE NO. MD05863)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Leroy Skibsted Caspersen, MD (Licensee) holds an active license to practice medicine in the state of Oregon.

2.

The Board opened an investigation in the summer of 2008 after receiving a report concerning Licensee's alleged conduct in regard to two adult female patients during clinical examinations. This conduct, if substantiated, would support findings of 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) and ORS 677.190(14) gross or repeated acts of negligence. Licensee signed an Interim Stipulated Order on September 11, 2008, in which he agreed not to see female patients 16 years of age or older in any clinical setting without a medically trained female chaperone being present throughout the entirety of the clinical interaction.

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 there from by the signing of and entry of this Order in the Board's records. Licensee denies but the Board finds that his conduct violated ORS 677.190(14) repeated acts of negligence.

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 permanently retires his license to practice medicine while under investigation.

4.2 Licensee will not practice any form of medicine, to include administrative medicine and independent medical examinations.

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

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

5.

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

IT IS SO STIPULATED this 14 day of OCTOBER, 2008.

SIGNATURE WITHHELD

LEROY SKIBSTED CASPERSEN, MD

IT IS SO ORDERED this 6th day of November, 2008.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE WITHHELD

PATRICIA L. SMITH
Board Chair

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of:)
)
DALE OWENS FREEMAN, LAc) ORDER MODIFYING
LICENSE NO. AC00213) STIPULATED ORDER
)

1.

On August 2, 2007, Dale Owens Freeman (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed Licensee on probation with conditions related to his acupuncture practice. Term 5.2 of this Order requires Licensee to appear for quarterly interviews with the Board. Licensee is not currently practicing acupuncture in Oregon.

2.

Because Licensee is not currently practicing acupuncture in Oregon, the Board orders that Term 5.2 of the August 2, 2007, Stipulated Order be held in abeyance until such time Licensee resumes the practice of acupuncture under the terms set forth in the Stipulated Order. This Order becomes effective the date it is signed by the Board Chair.

IT IS SO ORDERED this 16th day of October 2008.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE WITHHELD

PATRICIA L. SMITH
Board Chair

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
WILLIAM ELBERT HALSTEAD, MD) INTERIM STIPULATED ORDER
LICENSE NO. MD23424)

1.

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

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 cease the practice of medicine until the investigation is completed.

3.

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

3.1 Licensee voluntarily withdraws from the practice of medicine and his license is placed in Inactive status pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

4.

At the conclusion of the Board's investigation, Licensee's status will be reviewed in an expeditious manner. If the Board determines, following that review, that Licensee shall not be permitted to return to the practice of medicine, Licensee may request a hearing to contest that decision.

5.

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

IT IS SO STIPULATED THIS _____ day of _____, 2008.


WILLIAM ELBERT HALSTEAD, MD

IT IS SO ORDERED THIS 6th day of November, 2008.

State of Oregon
OREGON MEDICAL BOARD

SIGNATURE WITHHELD

KATHLEEN HALEY, JD
EXECUTIVE DIRECTOR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of:)
GEORGE ELLIOTT KABACY, MD)
LICENSE NO. MD07973) DEFAULT FINAL 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. George Elliott Kabacy, MD (Licensee) holds an inactive license to practice medicine in the state of Oregon.

2.

On August 1, 2008, the Board issued a Complaint and Notice of Proposed Disciplinary Action in regard to certain acts of misconduct by Licensee. This Notice designated the Board's file on this matter as the record for purposes of a default order and granted Licensee an opportunity for a hearing, if requested in writing within 21 days of service of the Notice. This Notice was sent by Certified Mail and by personal mail on August 4, 2008 to Licensee, at his address at the Federal Detention Center. Licensee has not requested a hearing. As a result, the requisite 21 days to request a hearing have lapsed and Licensee stands in default. The Board elects in this case to designate the record of proceeding to date, which consists of Licensee's file with the Board, as the record for purposes of proving a prima facie case.

3.

In the Complaint and Notice of Proposed Disciplinary Action, the Board proposed to take disciplinary action pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a); ORS 677.190(6) conviction of any offense punishable by incarceration in a

1 Department of Corrections institution or in a federal prison; and ORS 677.190(16) disciplinary
2 action by another state of a license to practice, based upon acts by the licensee similar to acts
3 described in the Medical Practice Act.

4 4.

5 NOW THEREFORE, after considering the Board's file relating to this matter, the Board
6 enters the following Order.

7 FINDINGS OF FACT

8 The evidence of record establishes the following findings of fact:

9 Licensee is a board certified gynecologist who has resided in recent years in Lacey,
10 Washington. Licensee most recently practiced medicine at the Sound Choice Health Center in
11 Olympia, Washington.

12 In January 2007, Licensee was indicted by the Office of the United States Attorney in the
13 state of Washington on one count of possession of Visual Depictions of Minors Engaged in
14 Sexually Explicit Conduct, in violation of 18 USC §§ 2252(a)(4)(B) and (b)(2) and one count of
15 Advertisement of Visual Depictions of Minors Engaged in Sexually Explicit Conduct, in
16 violation of 18 USC §§ 2251(d)(1)(A), (d)(2)(B) and (e). These charges were based upon
17 evidence obtained during a search of his home conducted by the Federal Bureau of Investigation
18 that revealed that Licensee possessed compact computer discs that contained more than 8,000
19 still digital images depicting minors engaged in sexually explicit conduct. Some of the images
20 depicted sadomasochist conduct involving pre-pubescent minors, to include minors under the
21 age of 12. Some of these visual depictions had been shipped and transported in interstate and
22 foreign commerce. Licensee made advertisements and offered to display, distribute and
23 reproduce one or more visual depictions of minors engaging in sexually explicit conduct, the
24 production of which involved the use of minors engaging in sexually explicit conduct, and the
25 notice or advertisement was transported in interstate commerce by means of a computer.

26 Licensee also admitted to possessing digital video files that depicted minors engaged in sexually

1 explicit conduct. Licensee entered a plea of guilty to one felony count of possession of Visual
2 Depictions of Minors Engaged in Sexually Explicit Conduct, in violation of 18 USC §§
3 2252(a)(4)(B) and (b)(2), which was accepted in U.S. District Court, Western District of
4 Washington. On April 29, 2008, Licensee was sentenced to 78 months of confinement, ten
5 years of post-prison supervision, and ordered to pay a \$10,000 fine. Licensee is currently
6 serving his sentence of confinement.

7 On January 31, 2008, the Medical Quality Assurance Commission for the state of
8 Washington (MQAC) issued a Statement of Charges, alleging that Licensee had engaged in
9 unprofessional conduct, in violation of RCW 18.130.180, based upon the federal charges and
10 Licensee's plea of guilty. On February 12, 2008, MQAC issued an Order that revoked the
11 credentials of Licensee to practice medicine in the state of Washington, with no right to seek
12 reinstatement for ten years.

13 Licensee's above described conduct involved the sexual exploitation of children. By
14 possessing child pornography and transmitting it on the internet, Licensee engaged in conduct
15 that did or might constitute a danger to the health and safety of the public. His conduct violated
16 one of the fundamental tenants of medical practice—"first do no harm." Licensee showed no
17 regard for the human dignity and rights of the children who were depicted in the images that he
18 possessed and transmitted.

19 5.

20 CONCLUSIONS OF LAW

21 Licensee's conduct as described above breached well recognized standards of ethics of
22 the medical profession. Violating federal statutes by engaging in the sexual exploitation of
23 minor children is reprehensible and caused harm. Licensee's conduct violated ORS
24 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a); ORS
25 677.190(6) conviction of any offense punishable by incarceration in a Department of Corrections
26 institution or in a federal prison; and ORS 677.190(16) disciplinary action by another state of a

1 license to practice, based upon acts by the licensee similar to acts described in the Medical
2 Practice Act.

3 The Board concludes that based upon its examination of the record in this case, that each
4 alleged violation of the Medical Practice Act is supported by reliable, probative and substantial
5 evidence.

6 6.

7 **ORDER**

8 IT IS HEREBY ORDERED THAT the license of George Elliott Kabacy, MD to practice
9 medicine is revoked.

10 DATED this 16th day of October, 2008.

11 OREGON MEDICAL BOARD

12 SIGNATURE WITHHELD

13
14 PATRICIA L. SMITH
15 BOARD CHAIR

16
17 **Right to Judicial Review**

18 **NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by
19 filing a petition for review with the Oregon Court of Appeals within 60 days after the final order
20 is served upon you. See ORS 183.482. If this Order was personally delivered to you, the date of
21 service is the day it was mailed, not the day you received it. If you do not file a petition for
22 judicial review within the 60 days time period, you will lose your right to appeal.
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
RICHARD JOSEPH MEAD, MD)
LICENSE NO. MD 11683) ORDER TERMINATING
STIPULATED ORDER)

1.

On January 15, 2004 Richard Joseph Mead, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon medical license. On May 27, 2008, 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 does hereby order that the January 15, 2004 Stipulated Order be terminated effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 16th day of October, 2008.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE WITHHELD

PATRICIA L. SMITH
Board Chair

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
LEROY IRWIN MEHARRY, MD) STIPULATED ORDER
LICENSE No. MD 11421)

1.

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

2.

Licensee entered into a Stipulated Order with the Board that was approved on April 15, 2005, in which Licensee admitted that he violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(14) gross or repeated acts of negligence; and ORS 677.190(25) prescribing controlled substances without a legitimate medical purpose, without following accepted procedures for examination of patients or for record keeping and without giving the required notice. Licensee was reprimanded and stipulated that he would not self prescribe or treat family members, that he would not "store narcotic medications or any Schedule II and III controlled substances at any health care facility where he works or his residence" and that his clinic was subject to no-notice inspections. On September 19, 2008, Licensee entered into an Interim Stipulated Order in which he withdrew from the practice of medicine. His medical license was placed on inactive status.

3.

On September 3, 2008, a Board investigator visited the Umatilla Medical Clinic where Licensee worked to conduct a compliance inspection. The investigator determined that Licensee had received unused Schedule II and III prescription medications from patients that he retained in

1 an unsecured location within the clinic. By so doing, the Board finds that Licensee violated the
2 terms of his Stipulated Order. Licensee has also informed the Board that he has suffered some
3 very serious setbacks to his health and that he would like to retire from the practice of medicine.

4 4.

5 Licensee and the Board desire to settle this matter by entry of this Stipulated Order.
6 Licensee understands that he has the right to a contested case hearing under the Administrative
7 Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the
8 right to a contested case hearing and any appeal therefrom by the signing of and entry of this
9 Order in the Board's records. Licensee admits that he violated ORS 677.190(18) violating a
10 board order.

11 5.

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

- 14 5.1 Licensee permanently retires his Oregon license to practice medicine while under
15 investigation.
- 16 5.2 Licensee will not practice any form of medicine in Oregon, to include
17 administrative medicine and independent medical examinations.
- 18 5.3 Licensee stipulates and agrees that any violation of the terms of this Order shall be
19 grounds for further disciplinary action under ORS 677.190(18).

20 IT IS SO STIPULATED this 5th day of NOV, 2008.

21 SIGNATURE WITHHELD

22
23 IT IS SO ORDERED this 6th day of NOV, 2008.

24 OREGON MEDICAL BOARD
25 State of Oregon

26 SIGNATURE WITHHELD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
CARIN KAY PLUEDEMAN, MD)
LICENSE NO. MD 18885) ORDER TERMINATING
STIPULATED ORDER

1.

On January 12, 2006, Carin Kay Pluedeman, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon medical license. On July 30, 2008, Licensee submitted a written request to terminate this Order.

2.

Having fully considered Licensee's request and her successful compliance with the terms of this Order, the Board does hereby order that the January 12, 2006 Stipulated Order be terminated effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 16th day of October, 2008.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE WITHHELD

FRANCIS L. SMITH
Board Chair

The acts and conduct alleged to violate the Medical Practice Act follow:

3.1 Licensee enrolled in HPP in October 2006. Licensee subsequently underwent multiple urine tests. Between November 3, 2006, and April 28, 2007, Licensee was determined to have submitted 9 different dilute urine samples, and 6 samples that tested positive for 1 or more of the following substances: ethanol, methamphetamine (Schedule I), oxazepam (Schedule IV, Serax), and temazepam (Schedule IV, Restoril). Licensee entered inpatient treatment on April 30, 2007, but he left the treatment center against medical advice on May 15, 2007. Licensee subsequently agreed to enter another inpatient treatment and was scheduled for admission on June 4, 2007, but Licensee failed to admit himself into treatment as previously agreed with HPP. As a result, HPP reported Licensee as non-compliant to the Board. Licensee also engaged in other non-compliant behavior while in HPP, to include submitting dilute urine samples, failure to maintain an Antabuse log, missed appointments, inconsistent taking of naltrexone, consuming intoxicants during his enrollment in HPP when he had agreed to maintain sobriety, and leaving an evaluation center and residential treatment without prior notice or any medical justification. Licensee admits to using methamphetamine once in late April 2007 and drinking wine once in July 2007. Licensee has been diagnosed as being alcohol dependent with physiological dependence. Licensee subsequently requested to return to HPP, which denied his request on September 25, 2007, because of his history of being non-compliant with the multiple terms of his HPP contract.

3.2 In 2002, Licensee was convicted of driving under the influence of intoxicants (DUI) in San Diego, California, and police reports have test results which show that he was under the influence of methamphetamine and alcohol. In July 2004, Licensee was arrested in New Mexico for aggravated DUI and failure to maintain his traffic lane. His breathalyzer test on the day of his arrest was .21 percent blood-alcohol level. Licensee failed to appear at a hearing in Gallup, New Mexico, in August 2004, and a bench warrant for his arrest was thus issued. His criminal case remains open, and an arrest warrant for him remains in existence. In September 2005, Licensee was arrested for assault, strangulation and harassment in Portland, Oregon, and he was convicted of one count of misdemeanor

1 harassment in October 2005. Licensee was placed on probation for 18 months in Multnomah County,
2 Oregon, for the harassment conviction. Licensee was arrested and cited in September 2006 for DUII,
3 reckless driving, criminal mischief, and hit and run in Portland, Oregon. Another charge of failure to
4 appear in court was added to his criminal case. This charge, however, was later dismissed. On
5 September 28, 2007, Licensee was convicted of the DUII, reckless driving, and hit and run in
6 Multnomah County, Oregon, and he was ordered to spend two days in jail, serve one year suspension of
7 his driver's license, pay a fine of \$1,500, sell his vehicle, and undergo three years of enhanced court
8 probation.

9 3.3 Licensee obtained an unlimited license to practice medicine in Oregon in January 2004.
10 He had previously practiced medicine in the states of California, Massachusetts, Pennsylvania and New
11 York. In his application for an Oregon license that he submitted in November 2003, and in his
12 application for licensure renewal in 2005, Licensee answered "no" to the questions as to whether he had
13 been convicted of any felony or misdemeanor in the past five years in any state or jurisdiction.
14 Licensee's answers were not truthful.

15 3.4 Licensee failed to self-report to the Board his conviction from September 28, 2007, of the
16 DUII in Multnomah County, Oregon, as was required under ORS 677.415(3) and (4) and OAR 847-010-
17 0073. He also failed to report to the Board any of his arrests within the required ten (10) working days
18 under ORS 677.415.

19 3.5 During the summer of 2007, Licensee was enrolled in an inpatient substance abuse
20 treatment program in Newberg, Oregon. Licensee left this program against medical advice and without
21 first notifying the evaluators, program coordinators, or any counselor in early July of 2007. On
22 December 27, 2007, Licensee submitted a dilute urine sample for testing, and on January 4, 2008,
23 Licensee failed to submit a urine sample. On January 7 and 30, 2008, Licensee submitted urine samples
24 that were tested and again found dilute. In the spring of 2008, Licensee completed an intensive inpatient
25 evaluation and treatment program in Chicago. In late June 2008, Licensee requested voluntary urine
26 testing about one to two times a month through a private company called RSS, and on July 14, 2008,
27 Licensee's urine tested positive for ethanol and was dilute. On or around August 11, 2008, Licensee

1 instructed RSS, a drug and alcohol testing service in Tigard, Oregon, to suspend taking any urine
2 samples from him. RSS provides this testing service to the Board, HPP, other government agencies,
3 private companies, and voluntary participants. Two Board investigators visited Licensee on August 12,
4 2008 at his home, and they requested that he provide a urine sample that day or later that evening at his
5 home, through RSS, or at Work Safe Service, Inc., an independent testing lab located by his home near a
6 Portland hospital. Licensee failed to do so. Licensee left for vacation that evening, and when he
7 returned he requested RSS to resume testing on or around August 18, 2008. On August 18, 2008,
8 Licensee provided a urine sample that tested positive for ethyl glucuronide, which is a direct metabolite
9 of ethanol.

10 3.6 On September 4, 2008, Licensee appeared before the Board's Investigative Committee
11 for an interview. Licensee informed the Committee that his last drink of alcohol occurred on March 21,
12 2008. Nevertheless, Licensee provided a urine sample immediately following his interview on
13 September 4, 2008, that tested positive for ethyl glucuronide. Licensee has demonstrated himself to be
14 an unreliable historian in regard to his use of ethanol and controlled substances.

15 3.7 Licensee remains under investigation since the fall of 2007 by the state of New York's
16 Office of Professional Medical Conduct for his multiple criminal arrests and for his 2007 Interim
17 Stipulated Order with the Oregon Medical Board. On February 21, 2008, Licensee entered into a public
18 order with New York requiring that he cease any practice of medicine if he were to return to New York,
19 and that any final action by the New York agency is suspended, pending the resolution of the Board's
20 cases in Oregon.

21 3.8 From late August 2006 through late September 2006, Licensee treated patient A, who is a
22 58-year-old bipolar female patient, while he practiced in Salem, Oregon. The Board opened a case in
23 November 2006 regarding the allegations that Licensee switched psychotropic medications too rapidly
24 and without consulting this patient's treating psychiatrist. It is alleged that Licensee ignored glaring
25 symptoms that this patient was deteriorating and that Licensee failed to return phone calls from the
26 patient's family members. A third psychiatrist intervened and stabilized the patient during her month-
27 long hospitalization.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
SELDON KEITH SAKS, MD) ORDER OF EMERGENCY
LICENSE NO. MD15511) SUSPENSION
)

1.

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

2.

2.1 On January 20, 2006, the Board proposed taking disciplinary action pursuant to ORS 677.205 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 (c); ORS 677.190(14), gross or repeated acts of negligence, after conducting an investigation into Licensee's use of dermatomal somatosensory evoked potential tests (described by Licensee as "nerve conduction" studies) as well as spinal ultrasound imaging to diagnose neuromuscular medical conditions. The total cost for each patient for these tests was about \$9,200 (to include \$3775 for "nerve conduction" studies and \$3500 for ultrasound studies). As part of the investigation, the Board ordered Licensee to undergo an assessment at the Center for Personalized Education for Physicians which subsequently identified deficiencies in his knowledge base for his current practice.

2.2 Pursuant to Licensee's request, a contested case hearing was conducted in October of 2006 and March of 2007. The Board issued a Final Order on February 7, 2008, in which the Board found that Licensee had engaged in multiple violations of the Medical Practice

1 Act. The Board concluded that in the cases under review, the nerve conduction studies were not
2 medically indicated, that Licensee had no justification to order diagnostic ultrasounds and that
3 Licensee charged excessive fees for the testing that he ordered. As a result, the Board imposed
4 the following sanctions:

- 5 1. Licensee is reprimanded.
- 6 2. Licensee is fined \$5,000 and assessed the full costs associated with the hearing. The
7 fine is to be paid in full in 90-days from the date this Order is signed by the Board
8 Chair. The assessed costs shall be paid within 90-days from the date the Board issues
9 its "Bill of Costs."
- 10 3. Licensee is placed on probation for a period of 10-years, with Licensee required to
11 report for quarterly interviews with the Board at a time and place designated by the
12 Board. Licensee is also subject to no notice inspections of Licensee's practice
13 locations and clinic medical charts by the Board's compliance officer. Licensee will
14 fully cooperate with these inspections.
- 15 4. As a term of probation, the billing records associated with Licensee's practice and his
16 practice locations are subject to no notice audits by the Board's designees.
- 17 5. The medical license of Licensee is restricted to prohibit Licensee from ordering or
18 performing diagnostic spinal ultrasounds or nerve conduction studies.
- 19 6. The medical license of Licensee is suspended for 90-consecutive days. The
20 suspension will begin on the day this Order is signed by the Board Chair.
- 21 7. Within 30-days from the day this Order is signed by the Board's Chair, Licensee shall
22 enroll in PEER, a mentoring program of the Oregon Medical Association. The Board
23 requires that Licensee fully cooperate with this program and successfully complete
24 this program within two years from the date the Final Order is signed by the Board
25 Chair.

26 2.3 Licensee has failed to comply with the terms of the Final Order. In addition to
27 not paying the costs or the civil penalty, Licensee has failed to enroll in the Physicians

1 Evaluation and Education Renewal program (PEER), which is sponsored by the Oregon Medical
2 Association. As a result, Licensee has practiced medicine subsequent to completing his 90-day
3 suspension absent the involvement of PEER, which would have provided systematic chart
4 reviews, mentoring, and oversight. As a result, the Board has no assurance that Licensee is
5 practicing safely, competently, or ethically. In view of this noncompliance, Licensee was asked
6 to voluntarily withdraw from practice. He has declined.

7 3.

8 In view of Licensee's failure to comply with the terms of the Final Order including
9 enrolling in PEER, and fully cooperating with the program, the Board finds that his continued
10 noncompliance constitutes an immediate danger to the public and that he should not be
11 practicing medicine. The Board orders that pursuant to ORS 677.205(3), the license of Seldon
12 Keith Saks, MD be suspended on an emergency basis and that Licensee immediately cease the
13 practice of medicine until otherwise ordered by the Board.

14
15 IT IS SO ORDERED this 16th day of October, 2008.

16 OREGON MEDICAL BOARD
17 State of Oregon

18 SIGNATURE WITHHELD

19 PATRICIA L. SMITH
20 Board Chair

21
22
23
24
25
26
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
GARETH AUBREY TABOR, MD)
LICENSE NO. MD15143) ORDER TERMINATING
STIPULATED ORDER

1.

On December 5, 2002, Gareth Aubrey Tabor, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed Licensee on probation with certain conditions.

2.

Having fully reviewed and considered Licensee's successful compliance with this Order, the Board does hereby order that the December 5, 2002 Stipulated Order is terminated effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 16th day of October 2008.

OREGON MEDICAL BOARD
State of Oregon

(SIGNATURE WITHHELD

PATRICIA L. SMITH
Board Chair