

# BME REPORT



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## Corvallis podiatrist, Portland industrial designer begin their Board service

Lisa A. Cornelius, DPM, Corvallis, and Ramiro Gaitán, Portland, took office as the newest members of the Board of Medical Examiners (BME) at the Board's July 13 session.

Dr. Cornelius is the first podiatric physician appointed to the Board, under 2005 legislation adding a podiatrist to the panel as a 12<sup>th</sup> member.

Mr. Gaitán was appointed as one of the Board's two public members, representing healthcare consumers. He succeeds Suresht R. Bald, PhD, Salem, who served six years on the Board, including one year as secretary.

Both Dr. Cornelius and Mr. Gaitán were appointed by Governor Kulongoski to three-year terms expiring Feb. 28, 2009, at which time they may be reappointed to their second and final terms.

Dr. Cornelius was a member of the Board's Advisory Council on Podiatry from 2003 until Dec. 31, 2005, when the Council was abolished under the same legislative action that added a podiatric physician to the Board. As the Board's podiatrist member, Cornelius is by law ineligible to vote on any matters other than those relating to podiatry. She is allowed to take part in all Board discussions.



Mr. Gaitán



Dr. Cornelius

Dr. Cornelius is in solo private practice in Corvallis, and is also affiliated with Good Samaritan Medical Center in that city. She is a past vice president of the Oregon Podiatric Medical Association, and is a member of the American Podiatric Medical Association and the American College of Foot and Ankle Surgeons.

She earned her doctorate degree in podiatric medicine at the California College of Podiatric Medicine, and served a podiatric surgical residency at Pacific Coast Hospital, both in San Francisco. Cornelius also holds a bachelor's degree in biology

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## New members join BME committees

The BME welcomed several new members to its advisory committees during the spring and summer:

**Rose Howe, EMT-Intermediate (I)**, Monument, was appointed in July to her first full three-year term on the **Emergency Medical Technician (EMT) Advisory Committee**. Ms. Howe had been appointed earlier in the year to complete the unexpired term of John J. Herbold, EMT-I, Klamath Falls.

Mr. Herbold resigned from the Committee to become chief of Klamath County Fire District No. 1.

EMT Advisory Committee Chair **Paul S. Rostykus, MD**, Ashland, was reappointed for a second term as one of two physicians on the panel. Dr. Rostykus currently chairs the EMT committee.

The **Health Professionals Program (HPP) Supervisory Council** welcomed two new members, psychiatrist **Denise M. Dion, MD** of The Dalles, and psychologist **Steven L. Gallon, PhD**, Corvallis.

Dr. Dion succeeds Mark J. Scherlie, DO, Salem, who opted not to seek reappointment to the Council.

Dr. Gallon will serve as the HPP council's non-physician member, and will complete the unexpired term of Vern R. Williams, MD, Portland. Dr. Williams resigned in January to accept the position of medical director at the Hazelden Springbrook residential treatment facility in Newberg.

Council Chair **Andris Antoniskis, MD**, Portland, was reappointed to the HPP panel, of which he has been a member since 1997.

**David M. Jones, PA-C**, Condon, and **Ted Ruback, PA-C**, Lake Oswego, were appointed to three-year terms on the **Physician Assistant (PA) Committee**.

Mr. Ruback succeeds Dana Gray, PA, Portland, who retires from the Committee after six terms of service, including a lengthy stint as chair.

Mr. Jones succeeds Harry F. "Randy" Randolph III, PA of Forest Grove, who resigned earlier in the year.

**Darrel Purkerson, RPh**, St. Helens, was reappointed as the pharmacist member of the PA Committee, for his fifth and final term. ■

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### **New Board Members** *(continued from page 1)*

(focus on physiology) from San Francisco State University.

Mr. Gaitán, a native of Colombia, is a self-employed industrial engineer and designer. He has lived in the United States for 25 years, and in the Portland area since 1990. He has served as operations manager for Global Solarium Inc., Vancouver, Wash. and Precision Die Cutting Inc., Wilsonville, and was also Precision's production manager.

Mr. Gaitán also spent nine years at Gem Top Manufacturing Inc. in Clackamas, where he was manager of the mold and tooling, engineering and research/development departments. While at Gem, he

developed a truck bed-cover hinge assembly, for which he was granted a U.S. patent.

He graduated from the Jesuit Pontificia Universidad Javeriana in Bogota, Colombia, with a degree in industrial design. Mr. Gaitán served as a faculty member and as a professor of mechanical drawing at his *alma mater* before immigrating to Texas in 1981.

By statute, the Board's two public members are appointed to represent the healthcare consumers of Oregon. Public members, and members of their immediate families, may not be healthcare professionals or be employed in any health-related industry. ■

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## *BME executive, IT program lauded* **Board receives high national honors**



The Oregon Board of Medical Examiners (BME or “Board”) stood tall among its peers at the 2006 national meetings of two major medical regulatory organizations.

Executive Director Kathleen Haley, JD, received the Doug Cerf Executive Director’s Award from Administrators in Medicine (AIM) during AIM’s annual meeting in Boston. The Cerf award, AIM’s highest honor, is presented for meritorious service toward the work of a medical and/or osteopathic board as a state agency, and its contributions to healthcare quality. The award is named for a prominent former Arizona medical board executive.

AIM also honored the BME with its “Best of Boards” award, presented to the BME in honor of its two major information technology (IT) enhancements during 2005 – placing license-application status reports and license-application materials on the Board’s Website.

In presenting the “Best of Boards” award, AIM singled out two BME staff members for special recognition. Mike Blasberg, IT coordinator, and Jennifer Lannigan, licensing coordinator, received special recognition for their contributions to the Online Status Report and Web-based application materials projects.

The Federation of State Medical Boards (FSMB) held its annual meeting immediately following the AIM meeting in Boston. BME Chair David R. Grube, MD, Philomath, was elected to a two (2)-year term on the FSMB Nominating Committee. The Committee selects candidates for election to the Federation’s Board of Directors.

Dr. Grube served as the Board’s voting representative to the FSMB House of Delegates at the Boston meeting. Vice Chair David G. Watt, Portland, attended the FSMB and AIM meetings as well. ■



## Statement of Purpose

# BME REPORT

**The mission of the Oregon Board of Medical Examiners** is to protect the health, safety and well being of Oregon citizens by regulating the practice of medicine in a manner that promotes quality care.

**The BME Report is published** to help promote medical excellence by providing current information about laws and issues affecting medical licensure and practice in Oregon.

## BOARD ACTIONS

### June 23 to August 15, 2006

#### **DRONKOWSKI, Carl W., MD12788; Portland, Ore.**

The Licensee on July 13, 2006 entered into a Corrective Action Order. Through this Order, the Licensee agreed to take a documentation course pre-approved by the Board's Medical Director; establish a physician-patient relationship with a physician who is not his practice partner and with whom he is not sharing call; and have an audit of his patient charts conducted six (6) months after completion of the documentation course. (*NOTE: Not a disciplinary action.*)

#### **GILBERT, Judy L., MD12831; St. Helens, Ore.**

The Licensee on August 3, 2006 entered into a Stipulated Order modifying the Stipulated Order of January 13, 2006 as follows: Terms 5.2 (completion of Continuing Medical Education [CME] on patient records) and 5.3 (completion of the Oregon Medical Association's [OMA] Physician Evaluation, Education and Renewal program [PEER]) are held in abeyance on the condition that the Licensee complies with a new Term 5.11, limiting her practice to surgical assistance only. All other terms of the January 2006 Order remain in full force and effect.

#### **HANEY, Susan T., MD23325; Coos Bay, Ore.**

The Licensee on July 13, 2006 entered into a Corrective Action Order allowing her to resume practice while under Board investigation, subject to the following terms: She must enroll in the Health Professionals Program (HPP); obtain a supervising psychiatrist who has been pre-approved by the Board; maintain a physician-patient relationship with an HPP-approved psychiatrist, and provide copies of the Order to hospitals and/or other healthcare facilities where she maintains credentials. (*NOTE: Not a disciplinary action.*)

#### **HARDY, John H. Jr., MD18862; Lake Oswego, Ore.**

The Licensee on July 14, 2006 entered into a Stipulated Order placing him on probation under the following terms: He must practice in a pre-approved setting, complete Continuing Medical Education (CME) on professional boundaries and disclose the Order to all employers and facilities in which he practices. Under the terms of the Order, he is prohibited from treating or consulting with patients younger than 18 years, and is required to have a chaperone present when treating female patients' pelvic or breast areas. The Licensee must have quarterly reports submitted to the Board from his medical director or supervisor; and is subject to quarterly reporting to the Board.

#### **HUDSON, Peter C., MD13138; Corvallis, Ore.**

The Licensee on August 3, 2006 entered into an Interim Stipulated Order, in which he agreed to withdraw from practice while under investigation.

#### **LEE, Gilbert B., MD12003; Bend, Ore.**

The Board on July 13, 2006 issued an Order terminating the Licensee's Stipulated Order of January 16, 2003.

#### **MYERS, Craig G., MD15139; Aloha, Ore.**

- The Board on July 14, 2006 issued an Order which terminated the Licensee's Stipulated Order of March 7, 2002.
- The Licensee on July 14, 2006 entered into a Corrective Action Order in which he agreed to make quarterly reports to the Board. (*NOTE: Not a disciplinary action.*)

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## Board Actions *(continued from page 6)*

### **PANNER, Owen M., MD14032;** **Alturas, Calif.**

The Licensee on July 13, 2006 entered into a Stipulated Order, in which he agreed to surrender his Oregon medical license while under investigation.

### **PATEL, Jayant M., MD15991;** **Portland, Ore.**

The Licensee on July 13, 2006 entered into an Interim Stipulated Order suspending his Oregon medical license until criminal and administrative processes concerning him in Australia have concluded, and until all penalties and conditions imposed by Australian authorities are satisfied. At that time, the Licensee may reapply for reinstatement of his Oregon medical license; such application will cause the Board to resume its investigation of the Licensee's Oregon practice. The Licensee also agreed to not practice medicine in any jurisdiction of the United States.

### **REXIN, Douglas A., MD20317;** **Willamina, Ore.**

The Licensee on July 13, 2006 entered into an Interim Stipulated Order, in which he agreed to withdraw from the practice of medicine pending completion of a Board investigation of his competence to practice.

### **RICHARDS, Robert C., MD, Applicant;** **Zionsville, Ind.**

The Applicant on July 13, 2006 entered into a Stipulated Order in which he was reprimanded, and in which he agreed to withdraw his license application while under investigation.

### **SILEN, Mark L., MD22074;** **Portland, Ore.**

The Licensee on July 13, 2006 entered into a Corrective Action Order, in which he agreed to complete a physician-patient boundary course pre-approved by the Board's Medical Director. The Licensee also agreed to take only prescription medications that have been prescribed for him by a licensed physician with whom he has established a physician-patient relationship. (*NOTE: Not a disciplinary action.*)

### **THOMPSON, Vincent J., MD24259;** **Browns Mills, N.J.**

The Licensee on July 13, 2006 entered into a Stipulated Order placing him on five (5) years probation. Through the Order, the Board held a quarterly reporting requirement in abeyance so long as the Licensee is out of practice. The Licensee was required to enroll in a structured education program, with ongoing monitoring in areas of need as identified in an evaluation report issued by the Center for Personalized Education for Physicians (CPEP), Aurora, Colo.

### **WEISBERG, Stuart G., MD23402;** **Portland, Ore.**

The Licensee on July 13, 2006 entered into a Stipulated Order in which he was reprimanded, placed on five (5) years probation and required to make quarterly reports to the Board. Through the Order, the Licensee is required to have call coverage, and to complete the Oregon Medical Association's (OMA) Physician Evaluation, Education and Renewal program (PEER). ■

#### **DRUG OR ALCOHOL PROBLEM?**

If you are concerned about a fellow physician who may be abusing alcohol or other drugs, you can get assistance by contacting the BME's Diversion Program for Health Professionals — also known as "HPP" or "Diversion."

*Your call may save a physician's life ... or a patient's!*

**ALL CALLS ARE CONFIDENTIAL**

**(503) 620-9117**

**[www.oregon.gov/BME/healthprog](http://www.oregon.gov/BME/healthprog)**

*NOTE: The BME Report and BME Website now list Board orders terminating or modifying previous orders. In addition, copies of these orders are available in DocFinder and the Board Actions Report on the BME Website: [www.oregon.gov/BME](http://www.oregon.gov/BME).*

# OREGON ADMINISTRATIVE RULES

## Reviewed and Adopted by the Board of Medical Examiners

The Board at its July 13-14, 2006 meeting reviewed the following proposals for amendments to Oregon Administrative Rules (OAR), Chapter 847:

### ADOPTED RULES

#### Final Review

#### Procedural Rules

**OAR 847-001-0000, Notice of Proposed Rule; OAR 847-001-0005, Model Rules for Contested Cases; OAR 847-001-0015, Delegation of Authority; OAR 847-001-0020, Discovery; OAR 847-001-0025, Motions for Summary Judgment** – The adopted rules clarify that prior to adoption, amendment or repeal of any permanent rule adopted on or after January 1, 2006, the Board shall provide notice to persons specified in ORS 183.335 (15) at least 49 days before the effective date of the rule.

The newly-adopted rules also establish that the Board adopts the Model Rules for Contested Cases of the Attorney General in effect on January 1, 2006. The rules also state that a person making a late request for hearing has a right to a hearing to dispute facts contained in the explanation as to why the request for hearing was late, or the accuracy of the reason that the request for hearing was late.

#### Fees

**OAR 847-005-0005, Fees** – The adopted rule amendment eliminates the following licensing fees: Name change (\$50); Name change/Limited License (\$25); Reissue Certificate of Registration (\$10); Duplicate wallet license (\$10); Duplicate wall license (\$25); and Certificate of Grades and Licensure Standing (\$50).

#### Physicians (MDs/DOs)

**OAR 847-023-0000, Definitions; OAR 847-023-0005, Qualifications** – The adopted rules describe the Emeritus licensure process for physicians who wish to volunteer their unpaid services in non-profit health clinics.

#### Emergency Medical Technicians (EMT)

**OAR 847-035-0030, Scope of Practice** – The amended rule defines a cuffed pharyngeal airway device under the EMT-Basic (B) scope of practice; removes the specification of 1:10,000 from administration of epinephrine under the EMT-Intermediate (I) scope of practice; and moves electrocardiogram (EKG) monitoring and interpretation from the EMT-Paramedic (P) to the EMT-I scope of practice.

#### Health Professionals Program (HPP)

**OAR 847-065-0000, Diversion Program Supervisory Council** – The adopted rule specifies that one (1) of the five (5) members of the HPP Supervisory Council shall be a public member, representing healthcare consumers.

#### Podiatry Physicians (DPM)

**OAR 847-080-0010, Requirements for Licensure; OAR 847-080-0017, Letters and Official Grade Certifications to be Submitted for Licensure; OAR 847-080-0018, Endorsement, Oral Examination, Competency Examination and Personal Interview** – The adopted rules specify requirements regarding Part III of the National Board of Podiatric Medical Examiners (NBPME) examination, for license applicants who took the examination on or after Jan. 1, 1987.

These requirements were previously established in the rule, but the new language clarifies that the requirements only apply to applicants who took the NBPME examination on or after Jan. 1, 1987. Those applicants must submit an official grade certification of Part III, pass all three (3) parts of the NBPME within a seven (7)-year period, and pass Part III of the NBPME examination within three (3) attempts. Applicants failing

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## OARs *(continued from page 6)*

to pass Part III in three (3) tries are required to complete one (1) additional year of postgraduate training in the United States, prior to readmission to the NBPME examination for a fourth and final attempt.

### PROPOSED RULES First Review

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

#### Physicians (MD/DO), Podiatric Physicians (DPM), Physician Assistants (PA)

**OAR 847-008-0055, Reactivation from Active-Military or Public Health, Locum Tenens, Inactive or Emeritus status to Active/Locum Tenens Status** – If adopted into rule, the proposed new language would specify that the license registration process and reactivation fees are to be waived for certain licensees practicing in Oregon. Specifically, the new rule would apply to Oregon licensees whose status was changed to Active-Military or Public Health because they were called up to active duty, deployed or reassigned, or because they received change-of-duty orders to serve out-of-state or out-of-country in a branch of the armed forces.

#### Emergency Medical Technicians (EMT)

**OAR 847-035-0030, Scope of Practice** – The proposed rule change removes “percutaneous” as a modifier of “cricothyrotomy” under the EMT-Paramedic (P) scope of practice, thereby expanding the scope to include surgical cricothyrotomy.

*The Board will make Final Review of the proposed rules and rule amendments at its October 12-13, 2006 meeting.*

*The Board’s mailing address is 1500 S.W. First Ave., Suite 620, Portland, OR 97201-5826. For more information on OARs, visit the BME Website at [www.oregon.gov/BME](http://www.oregon.gov/BME).*

#### ABOUT OARs

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

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

## CALENDAR OF EVENTS

### October 2006

- 12 (Thu.)** Board of Medical Examiners’ quarterly meeting, 8 a.m. – 5 p.m.
- 13 (Fri.)** Board meeting continues, 8 a.m. to close of business

### November 2006

- 2 (Thu.)** Investigative Committee, 8 a.m.
- 2 (Thu.)** Board of Medical Examiners’ conference call meeting, 4 p.m.
- 10 (Thu.)** OFFICE CLOSED (*State holiday*)

### December 2006

- 5 (Tue.)** Health Professionals Program Supervisory Council, 10:30 a.m. (*at HPP office, 6950 S.W. Hampton St., Suite 130, Tigard*)
- 7 (Thu.)** Investigative Committee, 8 a.m.

- 7 (Thu.)** Board of Medical Examiners’ conference call meeting, 4 p.m.
- 8 (Fri.)** Emergency Medical Technician Advisory Committee, 9 a.m.
- 13 (Wed.)** Administrative Affairs Committee, 5 p.m.
- 14 (Thu.)** Physician Assistant Committee, 9:30 a.m.
- 25 (Mon.)** OFFICE CLOSED (*State holiday*)

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

#### FOR MORE INFORMATION

Go to the BME Website at [www.oregon.gov/BME](http://www.oregon.gov/BME); or

Call the BME at (503) 229-5770, or call toll-free in Oregon at 1-877-254-6263. ■



*It's the law! You must notify the BME within 30 days of changing your practice address or mailing address. To help ensure that you receive your license renewals and other important information on time, call the BME for an address change form, or print the form from [www.oregon.gov/BME/forms/shtml](http://www.oregon.gov/BME/forms/shtml).*



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