

Oregon Medical Board
BOARD ACTION REPORT
August 15, 2019

The information contained in this report summarizes new, interim, and final actions taken by the Oregon Medical Board between July 16, 2019, and August 15, 2019.

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 the License Verification and Malpractice Report Request (<http://www.oregon.gov/OMB/ombforms1/request-licensee-info-verification.pdf>) found under the Forms 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.

***Code, Patrick Theodore, DPM; DP00220; Medford, OR**

On July 17, 2019, Licensee entered into an Interim Stipulated Order to voluntarily withdraw from practice and place his license in Inactive status pending the completion of the Board's investigation into his ability to safely and competently practice podiatric medicine.

Faris, Salma, PA; PA01276; Woodburn, OR

On August 9, 2019, Licensee entered into a non-disciplinary Consent Agreement for Re-Entry to Practice with the Board. In this Agreement, Licensee agreed to specific requirements regarding supervision and chart review from her supervising physician, and that her supervising physician would submit reports to the Board regarding her progress in her return to the practice of medicine.

***Jappay, Elisabeth Lee, MD; MD26489; Salem, OR**

On July 25, 2019, the Board issued an Order Terminating Interim Stipulated Order. This Order terminates Licensee's August 2, 2016, Interim Stipulated Order.

***Sachdev, Naina, MD; MD16352; Lake Oswego, OR**

On July 25, 2019, the Board issued a Final Order on Remand for willful violation of a board order. This Order revokes Licensee's medical license, assesses a \$10,000 civil penalty, and assesses \$30,000 in costs for the disciplinary proceedings.

Sticker, Carol Lynne, PA; PA194156; Portland, OR

On July 30, 2019, Applicant entered into a non-disciplinary Consent Agreement for Re-Entry to Practice with the Board. In this Agreement, Applicant agreed to specific requirements regarding supervision and chart review from her supervising physician, and that her supervising physician would submit reports to the Board regarding her progress in her return to the practice of medicine.

***Strutin, David Michael, MD; MD13948; Springfield, OR**

On July 19, 2019, Licensee entered into a Voluntary Limitation to limit his practice to internal medicine at practice sites pre-approved by the Board's Medical Director, no more than 24 hours each week.

***Wymer, Todd Allan, LAc; AC165723; Portland, OR**

On July 19, 2019, the Board issued an Order of License Suspension to immediately suspend Licensee's acupuncture license due to his incarceration in a penal institution. Automatic suspension is required by ORS 677.225.

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.

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
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PATRICK THEODORE CODE, DPM) INTERIM STIPULATED ORDER
LICENSE NO. DP00220)
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1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain healthcare providers, including podiatric physicians, in the State of Oregon. Patrick Theodore Code, DPM (Licensee) is a licensed podiatric 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 podiatry 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 is not an admission of any wrongdoing on the part of the Licensee, and 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 podiatry and his license is placed in Inactive status pending the completion of the Board's investigation into his ability to safely and competently practice podiatry.

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

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**BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON**

IN THE MATTER OF:

**NAINA SACHDEV, MD
LICENSE NO. MD16352**

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FINAL ORDER ON REMAND

HISTORY OF THE CASE

On October 2, 2014, the Oregon Medical Board (Board) issued its Final Order in which it revoked the medical license of Naina Sachdev, MD (Licensee), imposed a civil penalty of \$10,000 and assessed the costs of the proceeding. Licensee filed a petition for judicial review with the Court of Appeals. This case was argued and submitted on November 7, 2016. The Court of Appeals issued its opinion on July 18, 2018, *Sachdev v. Oregon Medical Board*, 292 Or. App. 778 (2018). The Court issued its Appellate Judgment on February 20, 2019.

In its opinion, the Oregon Court of Appeals reversed a number of the Board’s findings of fact and conclusions of law, based upon a legal conclusion that the Board’s Complaint and Notice of Proposed Disciplinary Action provided inadequate notice to Licensee, but affirmed the Board’s conclusions that Licensee had repeatedly violated the Board’s Interim Stipulated Order (ISO) that she signed on June 7, 2012. In its Opinion, the Court stated that the Board “...alleged three factual circumstances when licensee engaged in the practice of medicine because she ‘on repeated occasions managed and directed patient care at her clinic, to include directing clinic staff to order lab work, to perform certain tasks in regard to patient care, and to issue or refill prescriptions for patients.’”

The Court remanded the Board’s Final Order, stating in its conclusion the following: “For the foregoing reasons, we reverse and remand the board’s order. The board’s determination that licensee violated the ISO was supported by adequate notice. However, the remaining grounds for discipline were not properly before the board and cannot be used as a basis to sanction licensee...The board may, on remand, consider the appropriate sanction for violation of the ISO....”

DISCUSSION

Pursuant to the Opinion of the Court of Appeals and the Board’s Final Order of October 2, 2014, the Board concludes that Licensee willfully violated the terms of the Interim Stipulated Order on repeated occasions, in violation of ORS 677.190(17). To the extent they are relevant to the violation of ORS 677.190(17), the findings of fact and conclusions of law in the October 2, 2014, Final Order are hereby incorporated by reference.

On remand, the Board must now determine the appropriate sanction to assess in view of her willful and repeated violations of the terms of the ISO. The Board has a statutory mission to “...protect the public from the practice of medicine by unauthorized or unqualified persons...and to exercise general supervision over the practice of medicine

1 within this state.” See ORS 677.015 and ORS 677.265(1)(c). The Board only offers an
2 ISO to withdraw from practice to a licensee when the Board has a reasonable belief that
3 there is a risk of immediate danger to the public if the licensee continues to practice
4 medicine with an unrestricted license. Licensee entered into the ISO on June 7, 2012 to
5 withdraw from the practice of medicine, but on repeated occasions, violated that order by
6 engaging in the active practice of medicine by directing clinic staff in the provision of
7 patient care to patients in her clinic or directly providing care to multiple patients. On
8 each occasion, this represented a decision by Licensee to violate the terms of her order
9 when other health care providers were available within her clinic to provide care to her
10 patients. The Board cannot effectively exercise general supervision over the practice of
11 medicine and carry out its mission to protect the public when a licensee willfully
12 breaches a formal agreement/Order with the Board. Such conduct by Licensee strikes at
13 the heart of the professional relationship between a licensee and their licensing board, and
14 compels the Board to ask how it is possible to exercise general supervision over such a
15 physician? And how may the Board adequately protect the public when such a licensee
16 has demonstrated an unwillingness to obey the law and to comply with their agreements
17 with the Board?
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19 By willfully violating the ISO on repeated occasions, Licensee was not honest
20 with the Board in that she breached the terms of an agreement/Order with the Board that
21 she had committed to comply with. This highlights a disregard for the authority of her
22 licensing board, and an unwillingness on her part to conform her conduct to the
23 requirements of the law. Her conduct also placed her clinic staff into a conflicted
24 situation, in which they knew she had agreed to refrain from practicing medicine, so that
25 they had to decide whether to acquiesce to her continued medical practice and her
26 directed orders and tasks related to patient care or to comply with the express terms of the
27 Board’s ISO.
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29 The Board concludes that the appropriate sanction to assess in such a case is to
30 revoke Licensee’s medical license. The Board also assesses a \$10,000 civil penalty. In
31 regard to costs, the total costs assessed in the Bill of Costs for this case was \$119,836 as
32 detailed in the December 29, 2014, Bill of Costs. In response to the Court’s decision to
33 reverse many of the allegations of licensee misconduct due to lack of adequate notice, the
34 Board will limit the assessment of costs to \$30,000.
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36 EXCEPTIONS

37 The Board issued its Proposed Order on Remand on May 2, 2019, which
38 informed Licensee that she had 10 (ten) days to file her exceptions. On May 10, 2019,
39 Licensee submitted to the Board a document that she captioned as “SACHDEV MD’S
40 OPPOSITION TO OMB’S PROPOSED ORDER ON REMAND.” In this submittal,
41 Licensee stated that the Board’s proposed sanction of revocation “is far too severe and
42 not appropriate for the offense of violating the Board’s Interim Stipulated Order (ISO).”
43 Licensee’s written response then offered an alternative sanction for the Board to consider,
44 when she stated: “A more appropriate sanction would be suspension for three years with
45 credit for the period of revocation (Dr. Sachdev’s revocation of October 2, 2014, and
46 continuing) and reinstatement is more than sufficient, particularly in light of the fact that
47 all the other substantive allegations were dismissed....”
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50 Licensee also submitted a letter dated June 20, 2019, in which Licensee asked the
51 Board to consider that she had learned from the experience and “...changed her practice
52 and attitude in response to OMB’s concerns and criticisms.”
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1 At its Board meeting on July 11, 2019, the Board deliberated regarding the
2 proposed order and considered Licensee's exceptions and submittals. After careful
3 consideration of the significance of the violations and the submitted exceptions, the
4 Board voted to accept the Proposed Order on Remand as written and was not persuaded
5 by Licensee's exceptions to alter the sanctions set forth in this Order. Licensee's
6 repeated violations of the Board's ISO, which was put in place to protect the public,
7 warrants the sanction of revocation and financial assessments.
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11 **ORDER**
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13 *The Oregon Medical Board issues the following order:*
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16 1. The medical license of Naina Sachdev, MD, is revoked.
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18 2. Naina Sachdev, MD, is assessed \$30,000 in costs for the disciplinary action.
19 Costs shall be due within 60 days from the date this Order is signed by the
20 Board Chair.
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22 3. Naina Sachdev, MD, must pay a civil penalty of \$10,000, which is payable in
23 full within 60 days from the date this Order is signed by the Board Chair.
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25 4. The Interim Stipulated Order of June 7, 2012, terminates upon the effective
26 date of this Order.
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28 DATED this 25 day of July, 2019.
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30 OREGON MEDICAL BOARD
31 State of Oregon
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34 K. DEAN GUBLER, DO
35 Board Chair
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38 **APPEAL**
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40 If you wish to appeal the final order, you must file a petition for review with the
41 Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS
42 183.480 et seq.
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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the matter of,)
DAVID MICHAEL STRUTIN, MD) VOLUNTARY LIMITATION
LICENSE NO. MD13948)

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 Michael Strutin, MD (Licensee) is a licensed physician in the state of Oregon.

2.

Licensee is an internal medicine physician who holds a license at Administrative Medicine status. On August 1, 2018, Licensee submitted a reactivation application to the Board, requesting a license at Active status in order to return to active practice. Licensee previously reported a personal medical event that limits him to the part-time practice of medicine.

3.

The Board agrees to grant Licensee an Active status license to practice medicine in Oregon subject to the following conditions of Voluntary Limitation, pursuant to ORS 677.410. Effective the date this Voluntary Limitation is signed by the Board's Chair, Licensee agrees to abide by the following terms and conditions:

3.1 Licensee's practice shall be limited to internal medicine at practice sites pre-approved by the Board's Medical Director.

3.2 Licensee shall practice no more than 24 hours each week, with no more than eight hours in a 24-hour period.

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

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4.

Licensee understands that this is a final order under Oregon law and therefore is a public record. This 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 Practitioner Data Bank.


IT IS SO STIPULATED this 16TH day of JULY, 2019.



DAVID MICHAEL STRUTIN, MD

IT IS SO ORDERED this 19th day of July, 2019.

OREGON MEDICAL BOARD
State of Oregon



K. DEAN GUBLER, DO
BOARD CHAIR

1 evidence to the Board that Licensee is no longer incarcerated and the Board is satisfied with due
2 regard to the public interest that Licensee's privilege to practice acupuncture may be restored.

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4 IT IS SO ORDERED this 19th day of July, 2019.

5 OREGON MEDICAL BOARD
6 State of Oregon

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9 K. DEAN GUBLER, DO
10 BOARD CHAIR