

Oregon Medical Board  
**BOARD ACTION REPORT**  
**July 15, 2019**

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

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**\*Arakaki, Charles Mori, MD; MD168951; Portland, OR**

On July 11, 2019, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's January 8, 2016, Stipulated Order.

**\*Bailey, William Merrill, MD; MD14622; Newberg, OR**

On July 11, 2019, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's October 3, 2013, Stipulated Order.

**\*Bietz, Duane Stanley, MD; MD09520; Portland, OR**

On July 11, 2019, the Board issued a Default Final Order for unprofessional or dishonorable conduct; impairment; and willful violation of any Board rule or order, or failing to comply with a Board request. This Order revokes Licensee's medical license.

**\*Burman, Malika, MD; MD152046; Portland, OR**

On July 11, 2019, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's October 6, 2016, Corrective Action Agreement.

**\*Carlson, Bruce Donald, MD; MD07786; Pendleton, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; gross or repeated acts of negligence; willful violation of any rule adopted by the Board; and prescribing controlled substances without a legitimate medical purpose or without following accepted procedures for examination of patients or for record keeping. This Order revokes Licensee's medical license, however, the revocation is stayed; reprimands Licensee; assesses a \$5,000 civil penalty; places Licensee on probation for five years; requires Licensee to complete a CPEP education plan; prohibits Licensee from initiating treatment of chronic pain with opioids and requires tapering of opioids to 90 MED or less for existing chronic pain patients; limits prescribing for acute pain; requires Licensee to wean patients from benzodiazepines who are concurrently prescribed opioids; prohibits Licensee from prescribing concurrent carisoprodol with opioids; requires Licensee to complete pre-approved courses on documentation, ethics and professionalism; and subjects Licensee's practice to chart audits and office visits by the Board.

**\*Clark, Mary Kathryn, PA; Applicant**

On July 11, 2019, Applicant entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; fraud or misrepresentation in applying for or procuring a license to practice in this state; disciplinary action by another state of a license to practice; and willful violation of any rule adopted by the board or failing to comply with a board request. With this Order, Applicant withdraws her application for licensure while under investigation.

**\*Douglas, Ben Harold, II, MD; MD19528; Tillamook, OR**

On July 11, 2019, Licensee entered into a non-disciplinary Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete the OHSU Addiction Medicine ECHO Certificate Program; complete the New England Journal of Medicine Pain Management and Opioids CME; and submit clinic policies regarding management of chronic pain patients on opioid medications to the Board's Medical Director for approval.

**\*Fu, Qiuling, LAc; AC00565; Eugene, OR**

On July 11, 2019, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's January 4, 2018, Corrective Action Agreement.

**\*Gaby, McKenzie Robin, LAc; AC167795; Portland, OR**

On July 11, 2019, the Board issued a Default Final Order for unprofessional or dishonorable conduct; impairment; and failing to comply with a Board request or violation of any rule adopted by the Board. This Order revokes Licensee's acupuncture license and assesses a \$1,000 civil penalty.

**\*Habenicht, Tei, PA; Applicant**

On July 11, 2019, Applicant entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; fraud or misrepresentation in applying for a license to practice in this state; disciplinary action by another state of a license to practice; willful violation of any provision of the Medical Practice Act or any rule adopted by the Board; violation of the federal Controlled Substances Act; and prescribing controlled substances without a legitimate medical purpose or without following accepted procedures for examination of patients or for record keeping. With this Order, Applicant withdraws her application for licensure while under investigation.

**Harris, Donna Jene, LAc; AC189495; Grants Pass, OR**

On July 3, 2019, the Board issued an Order Terminating Consent Agreement for Re-Entry to Practice. This Order terminates Licensee's September 10, 2018, Consent Agreement for Re-Entry to Practice.

**\*Hayes, Stefani Kovacovsky, LAc; AC153856; Portland, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; gross or repeated acts of negligence; and willful violation of any rule adopted by the board. This Order revokes Licensee's acupuncture license, however, the revocation is stayed; reprimands Licensee; assesses a \$10,000 civil penalty, with \$5,000 held in abeyance; and places Licensee on probation for five years.

**\*Hayes, Whitney Kovacovsky, LAc; AC150217; Portland, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; gross or repeated acts of negligence; and willful violation of any rule adopted by the board. This Order reprimands Licensee; assesses a \$4,000 civil penalty; and requires Licensee to complete a pre-approved course in professionalism.

**\*Hoeksema, Catharina Ann, MD; MD22348; Hillsboro, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct, and repeated acts of negligence. This Order assesses a \$7,500 civil penalty; limits Licensee's surgical practice to the breast and soft tissue; and prohibits Licensee from performing emergency surgery.

**\*Hopson, Jane Katherine, PA; PA01299; Hillsboro, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; willfully or negligently divulging a professional secret without the written consent of the patient; gross or repeated acts of negligence; and willful violation of any provision of the Medical Practice Act. With this Order, Licensee surrenders her physician assistant license while under investigation.

**\*Hubbs, Aaron Wayne, LAc; AC01137; Portland, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; willful violation of any rule adopted by the Board; and failure to report to the Board any adverse action taken against the Licensee. This Order reprimands Licensee; assesses a \$5,000 civil penalty, with \$4,000 held in abeyance; requires Licensee to complete a pre-approved professional boundaries course; suspends Licensee's acupuncture license for 30 days, held in abeyance; and subjects Licensee's practice to no-notice chart audits and office visits by the Board's designee.

**\*Matz, Paul David, MD; MD12660; Medford, OR**

On July 11, 2019, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's October 8, 2015, Corrective Action Agreement.

**\*McCorkle, Elizabeth Jean, MD; MD22056; Eugene, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; repeated acts of negligence; and willful violation of any Board rule or failing to comply with a Board request. This Order reprimands Licensee; places Licensee on probation; prohibits Licensee from prescribing testosterone; prohibits Licensee from prescribing

controlled substances for weight reduction or control; requires Licensee to comply with the Endocrine Society Clinical Practice Guidelines for treatment with estrogen and thyroid hormones; prohibits Licensee from treating patients with thyroid whose TSH is within the normal range; and subjects Licensee's medical practice to random no-notice chart audits and office visits.

**\*Misra, Sounak, MD; MD26161; Portland, OR**

On July 11, 2019, the Board issued an Order Modifying Stipulated Order. This Order modifies Licensee's October 6, 2016, Stipulated Order.

**\*Morgan, Shawn Michael, MD; MD23459; Oregon City, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct and impairment. This Order reprimands Licensee and requires Licensee to remain enrolled and in good standing in a monitoring program.

**\*Nelson, Stephen Lanier, MD; MD18996; Medford, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; willful violation any Board order; and violation of the Federal Controlled Substances Act. This Order reprimands Licensee; assesses a \$10,000 civil penalty; places Licensee on probation for five years; prohibits Licensee from prescribing scheduled medications; limits Licensee to the supervision of one physician assistant; and subjects Licensee's practice to random chart audits by the Board.

**\*Nelson, Timothy Nicholas, LAc; AC161759; Portland, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; gross or repeated acts of negligence; and willful violation of any rule adopted by the Board. This Order reprimands Licensee; assesses a \$1,000 civil penalty; requires Licensee to complete a pre-approved course in professional boundaries; and subjects Licensee's practice to random chart audits and office visits by the Board.

**\*Rose, Mark Craig, MD; MD14469; Lebanon, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct and conviction of any offense punishable by incarceration in a Department of Corrections institution or in a federal prison. With this Order, Licensee surrenders his medical license while under investigation.

**\*Sherer, Kevin Earl, MD; MD156626; Bend, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct and impairment. This Order reprimands Licensee and requires Licensee to remain enrolled and in good standing in a monitoring program.

**\*Silverman, Burton Lawrence, MD; MD19465; Beaverton, OR**

On July 11, 2019, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct and prescribing controlled substances without following accepted procedures for examination of patients. With this Order, Licensee retires his medical license while under investigation.

**\*Von Dippe, Patrick Beauregard, MD; MD27158; Coquille, OR**

On July 11, 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 medicine.

**\*Wheeler, Patricia Leigh, MD; MD18322; Albany, OR**

On July 11, 2019, Licensee entered into a non-disciplinary Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete an education plan that has been pre-approved by the Board's Medical Director.

**\*Williams, Keith Barton, MD; MD16928; Medford, OR**

On July 11, 2019, Licensee entered into a non-disciplinary Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete a pre-approved CPEP education plan.

**\*Wilson, Jason Alexander, AC; Applicant**

On July 11, 2019, the Board issued a Default Final Order for unprofessional or dishonorable conduct; fraud or misrepresentation in applying for a license to practice in this state; willful violation of a Board rule; and refusing an invitation for an informal interview with the Board. This Order denies Applicant's license application and assesses a \$5,000 civil penalty.

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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.

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
CHARLES MORI ARAKAKI, MD ) ORDER TERMINATING  
LICENSE NO. MD168951 ) STIPULATED ORDER  
 )

1.


On January 8, 2016, Charles Mori Arakaki, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's Oregon medical license. On March 19, 2019, 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 8, 2016, Stipulated Order, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 11<sup>th</sup> day of July, 2019.

OREGON MEDICAL BOARD  
State of Oregon

  
K. DEAN GUBLER, DO  
Board Chair



BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
DUANE STANLEY BIETZ, MD ) DEFAULT FINAL ORDER  
LICENSE NO MD09520 )  
 )

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. Duane Stanley Bietz, MD (Licensee) is a licensed (inactive status) physician in the State of Oregon.

2.

On April 22, 2019, the Board sent to Licensee by regular and certified mail and electronic mail a Complaint and Notice of Proposed Disciplinary Action (Notice) in which the Board proposed to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), that may include the revocation of license, a \$10,000 civil penalty per violation, 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 by ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the medical profession, any conduct, practice or condition which does or might constitute a danger to the health or safety of a patient or the public, any conduct, practice or condition which does or might adversely affect a physician's ability safely and skillfully to practice medicine; ORS 677.190(7) impairment; and ORS 677.190(17) willfully violating a Board rule or order, or failing to comply with a board request pursuant to ORS 677.320. The Notice informed Licensee that if he failed to submit a request for hearing or failed to appear at a scheduled hearing, the Board may issue a final order by default. Licensee did not request a hearing. As a result, Licensee has waived his



1 right to a hearing and now stands in default. The Board elects in this case to designate the record  
2 of proceedings to date, which consists of Licensee's file with the Board as the record for  
3 purposes of proving a prima facie case, pursuant to ORS 183.417(4).

4 3.

5 **FINDINGS OF FACT**

6 Licensee's acts and conduct that violated the Medical Practice Act follow:

7 3.1 The Board concludes from the information received during the course of its  
8 investigation that Licensee is impaired and lacks the ability to practice medicine with reasonable  
9 competence and safety due to a health condition, in violation of ORS 677.190(7). The Board  
10 concludes that Licensee's health condition has impaired his ability to practice medicine safely  
11 and that Licensee has appeared to other health care providers to be unfamiliar with basic medical  
12 knowledge, such as insulin dosing.

13 3.2 On October 5, 2018, the Board voted to issue an Order for Licensee to undergo a  
14 particular type of medical examination within 30 days. The Order was mailed to Licensee's  
15 residence on October 11, 2018. Licensee left a phone message with the Board on October 22,  
16 2018, in which he confirmed receipt of the Order and indicated that he did not intend to resume  
17 the practice of medicine. A telephone call was placed to Licensee on October 25, 2018, during  
18 which Licensee asserted that he had moved out of state, that it was impractical for him to comply  
19 with the Board's order to undergo the examination, and asked to be excused from the  
20 requirement. Licensee was notified that he would be required to comply with the Order, but may  
21 choose to retire under investigation. On October 31, 2018, a letter was sent to Licensee with a  
22 proposed Stipulated Order to retire under investigation. Licensee called the Board on November  
23 8, 2018, and indicated that he wanted to complete the medical examination in California but  
24 would need more information. A letter was sent to Licensee that day detailing the type of  
25 examination required and stating that the provider of the examination must be first pre-approved  
26 by the Board's Medical Director. The letter further stated that Licensee was currently out of  
27 compliance with the Board's Order. Licensee left a phone message with the Board on November

1 27, 2018, indicating that he would not complete the examination and that he wished to allow his  
2 license to lapse. Licensee was telephoned on December 18, 2018, and January 8, 2019, and  
3 messages were left. No response was received.

4 4.

5 **CONCLUSIONS OF LAW**

6 Based upon its examination of the record in this case, the Board finds that the acts and  
7 conduct of Licensee described above are supported by reliable, probative and substantive  
8 evidence and violated the Medical Practice Act, as set forth below:

9 4.1 Licensee has failed to comply with the Board's Order, in violation of ORS  
10 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a) any  
11 conduct, practice or condition which does or might constitute a danger to the health or safety of a  
12 patient or the public, any conduct, practice or condition which does or might adversely affect a  
13 physician's ability safely and skillfully to practice medicine.

14 4.2 Licensee is impaired and lacks the ability to practice medicine with reasonable  
15 competence and safety due to a health condition, in violation of ORS 677.190(1)(a)  
16 unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a) any conduct, practice  
17 or condition which does or might constitute a danger to the health or safety of a patient or the  
18 public, any conduct, practice or condition which does or might adversely affect a physician's  
19 ability safely and skillfully to practice medicine; and ORS 677.190(7) impairment.

20 4.3 Licensee's failure to comply with the Board's Order violated ORS 677.190(17)  
21 willfully violating a Board rule or order, or failing to comply with a board request pursuant to  
22 ORS 677.320.

23 5.

24 **ORDER**

25 In order to protect the public and appropriately address his conduct, the Board enters the  
26 following order:

27 ///

1 IT IS HEREBY ORDERED THAT the medical license of Duane Stanley Bietz, MD, is  
2 revoked. This Order is effective immediately upon the signature of the Board Chair. Violation  
3 of the terms of this Order constitute a violation of the Medical Practice Act.

4  
5 DATED this 11<sup>th</sup> day of July, 2019.

6  
7 OREGON MEDICAL BOARD  
State of Oregon

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10 K. DEAN GUBLER, DO  
BOARD CHAIR

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14 **Right to Judicial Review**

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

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
MALIKA BURMAN, MD )  
LICENSE NO. MD152046 ) ORDER TERMINATING  
CORRECTIVE ACTION AGREEMENT )

1.


On October 6, 2016, Malika Burman, MD (Licensee) entered into a Corrective Action Agreement with the Oregon Medical Board (Board). This Agreement placed conditions on Licensee's Oregon license. On March 13, 2019, Licensee submitted documentation that she 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 October 6, 2016, Corrective Action Agreement, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 11<sup>th</sup> day of July, 2019.

OREGON MEDICAL BOARD  
State of Oregon

  
K. DEAN GUBLER, DO  
Board Chair

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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
BRUCE DONALD CARLSON, MD ) STIPULATED ORDER  
LICENSE NO. MD07786 )  
 )

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. Bruce Donald Carlson, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On October 4, 2018, the Board issued a Complaint and Notice of Proposed Disciplinary Action (Notice) in which the Board proposed taking disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 civil penalty per violation, 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); ORS 677.190(13) gross or repeated acts of negligence; ORS 677.190(17) willful violation of any rule adopted by the Board, specifically OAR 847-015-0010, OAR 847-015-0030, and OAR 847-050-0035(1); and ORS 677.190(24) prescribing controlled substances without a legitimate medical purpose or without following accepted procedures for examination of patients or for record keeping. Prior to the issuance of the Notice, Licensee entered into an Interim Stipulated Order with the Board on September 1, 2017, in which he agreed to limitations in his prescribing.

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

1 right to a contested case hearing and any appeal therefrom by the signing of and entry of this  
2 Order in the Board's records. Licensee neither admits nor denies but the Board finds that he  
3 engaged in the conduct described in the October 4, 2018 Notice, and that this conduct violated  
4 ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a),  
5 (b) and (c); ORS 677.190(13) gross or repeated acts of negligence; ORS 677.190(17) willful  
6 violation of any rule adopted by the Board, specifically OAR 847-015-0010, OAR 847-015-  
7 0030, and OAR 847-050-0035(1); and ORS 677.190(24) prescribing controlled substances  
8 without a legitimate medical purpose or without following accepted procedures for examination  
9 of patients or for record keeping. Licensee understands that this Order is a public record and is a  
10 disciplinary action that is reportable to the National Practitioner Data Bank and the Federation of  
11 State Medical Boards.

12 4.

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

15 4.1 The medical license of Licensee is revoked; however, the revocation is stayed.

16 4.2 Licensee is reprimanded.

17 4.3 Licensee must pay a civil penalty of \$5,000 that must be paid in full within 60  
18 days from the effective date of this Order.

19 4.4 Licensee is placed on probation for a period of five years and shall report in  
20 person to the Board at each of its quarterly meetings at the scheduled times for a probation  
21 interview, unless otherwise directed by the Board's Compliance Officer or its Investigative  
22 Committee. Additionally, at the Board's discretion, interviews may be held electronically  
23 between Licensee and the Board's Compliance Officer (or its designee) using Board established  
24 protocols for the location and electronic transmission of the meeting. Licensee is responsible for  
25 maintenance of the equipment and technology necessary for the electronic meetings to occur.  
26 Licensee will be notified if and when such meetings are scheduled in lieu of an in-person  
27 appearance.

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1           4.5     Within 30 days of the effective date of this Order, Licensee must contract with  
2     CPEP for the development of an education plan. Licensee must bear the cost of the completion  
3     of any CPEP recommendations, the development of an education plan, and any post-education  
4     evaluation. Licensee must sign all necessary releases to allow full communication and exchange  
5     of documents and reports between the Board and CPEP. Licensee must ensure CPEP submits  
6     the education plan and reports directly to the Board.

7           4.6     Licensee must sign the appropriate paperwork indicating that he agrees to enroll  
8     in the education plan, and return the signed documents to CPEP within 15 days of approval of  
9     the educational plan by the Board's Medical Director. Licensee must successfully complete the  
10    CPEP education plan, including any post-education evaluation, within 18 months from the date  
11    the educational plan is approved. Licensee must comply with any educational recommendations,  
12    practice modifications, and timelines set forth by CPEP. Licensee must bear all costs associated  
13    with the approved education plan. Any educational mentor must be pre-approved by CPEP and  
14    the Board's Medical Director. Licensee must sign all necessary releases to allow full  
15    communication and exchange of documents and reports between the Board, CPEP, and any  
16    mentors. Licensee must keep the Board apprised of his compliance with the CPEP education  
17    plan throughout its duration.

18          4.7     Licensee must provide the Board with written proof from CPEP upon successful  
19    completion of the approved education plan, including successful completion of any post-  
20    education evaluation, as defined above.

21          4.8     Licensee must not begin treatment for chronic pain with opioids for any new or  
22    existing patient. For the purposes of this Order, chronic pain is defined as pain that persists or  
23    progresses over a period of time greater than 30 days.

24          4.9     Licensee must taper opioid medications for any chronic pain patient with an MED  
25    over 90 by at least 10% per month until patient's MED is 90 or less. Alternatively, Licensee  
26    may transfer the care of any patient with an MED over 90 to another physician. Licensee may  
27    continue to prescribe greater than 90 MED for chronic pain for patients who are currently

28    ///

1 enrolled in hospice or who are currently receiving treatment for a diagnosis of cancer. Licensee  
2 must certify on the written prescription that the patient is a hospice or cancer patient.

3 4.10 Licensee must limit his prescribing for acute pain to less than 30 days per year,  
4 and with a maximum morphine equivalent dose (MED) of 50.

5 4.11 For patients taking benzodiazepines and opioids, who have an MED of 90 or less  
6 or who have been first tapered to an MED of 90 or less, Licensee must begin to taper  
7 benzodiazepines. Licensee must taper by at least 10% per month until the patient is weaned off  
8 benzodiazepines. Alternatively, Licensee may transfer the care of any patient for whom he is  
9 prescribing benzodiazepines and opioids to another physician. Licensee may continue to  
10 prescribe benzodiazepines to patients who are currently enrolled in hospice or have a life  
11 expectancy of less than six months. Licensee must certify on the written prescription that the  
12 patient is a hospice or cancer patient.

13 4.12 Subsequent to the tapering outlined in terms 4.9 and 4.11, Licensee must not  
14 concomitantly prescribe opioids with benzodiazepines.

15 4.13 Licensee must not concomitantly prescribe opioids with carisoprodol (Soma) to  
16 any patient.

17 4.14 Within six months from the effective date of this Order, Licensee must  
18 successfully complete courses on documentation, ethics and professionalism that have been pre-  
19 approved by the Board's Medical Director.

20 4.15 The Interim Stipulated Order of September 1, 2017, terminates effective the date  
21 the Board Chair signs this Order.

22 4.16 Licensee's practice is subject to no-notice visits and chart audits by the Board or  
23 its designee.

24 4.17 Licensee must notify the Board's Compliance Section of all practice locations,  
25 and any changes in practice locations within ten days of the change.

26 4.18 Licensee must obey all federal and Oregon state laws and regulations pertaining  
27 to the practice of medicine.

28 ///



1           4.19   Licensee stipulates and agrees that any violation of the terms of this Order shall  
2 be grounds for further disciplinary action under ORS 677.190(17).

3  
4           IT IS SO STIPULATED THIS 8<sup>th</sup> day of April, 2018.

5  
6   
7           BRUCE DONALD CARLSON, MD

8           IT IS SO ORDERED THIS 11<sup>th</sup> day of July, 2019.

9  
10           OREGON MEDICAL BOARD  
11           State of Oregon

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13           K. DEAN GUBLER, DO  
14           BOARD CHAIR

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
MARY KATHRYN CLARK, PA ) STIPULATED ORDER  
APPLICANT )  
 )

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the State of Oregon. Mary Kathryn Clark, PA (Applicant) has applied for an unlimited license to practice medicine as a physician assistant in Oregon.

2.

On May 3, 2019, the Board issued a Second Amended Notice of Intent to Deny License Application (Notice) in which the Board proposed denying Applicant's application for a license to practice medicine as a physician assistant in the State of Oregon, and to impose up to the maximum range of potential sanctions identified in ORS 677.205(2), to include a \$10,000 civil penalty per violation, and assessment of costs based upon violations of the Medical Practice Act Oregon Administrative Rules (OAR), as follows: ORS 677.512(2)(a) submit an application as required by the board by rule; ORS 677.512(2)(f) discipline by a physician assistant licensing board in another state as a disqualification for licensure; ORS 677.512(2)(g) lack of good moral character as a disqualification for licensure; OAR 847-050-0015(2)(b) license revocation or suspension in another state as a disqualification for licensure; OAR 847-050-0015(2)(d) conduct similar to that which is prohibited by ORS 677.190 as a disqualification for licensure to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct as defined in ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the medical profession; ORS 677.190(8) fraud or misrepresentation in applying for or procuring a license to practice in this

1 state; ORS 677.190(15) disciplinary action by another state of a license to practice; ORS  
2 677.190(17) failing to comply with a board request pursuant to ORS 677.320; and ORS  
3 677.190(17) willfully violating a board rule, specifically: OAR 847-001-0024(1) applicants must  
4 comply with a board investigation, and OAR 847-008-0010(2) ensuring an application for  
5 licensure is complete and accurate.

6 3.

7 Applicant and the Board desire to settle this matter by the entry of this Stipulated Order.  
8 Applicant understands that she has the right to a contested case hearing under the Administrative  
9 Procedures Act (Oregon Revised Statutes chapter 183), and fully and finally waives the right to a  
10 contested case hearing and any appeal therefrom by the signing of and entry of this Order in the  
11 Board's records. Applicant neither admits nor denies, but the Board finds that Applicant  
12 engaged in conduct that violated the Medical Practice Act, as described in the Board's Notice, to  
13 wit: ORS 677.190(1)(a), as defined in ORS 677.188(4)(a); ORS 677.190(8); ORS 677.190(15);  
14 and ORS 677.190(17), specifically ORS 677.100(1)(d), and OAR 847-001-0024(1). Applicant  
15 understands that this Order is a public record and is a disciplinary action that is reportable to the  
16 National Practitioner DataBank and the Federation of State Medical Boards.

17 4.

18 Applicant and the Board agree that the Board will close this investigation and resolve this  
19 matter by entry of this Stipulated Order, subject to the following conditions:

20 4.1 Applicant withdraws her application for an Oregon physician assistant license  
21 while under investigation.

22 4.2 Applicant must obey all federal and Oregon state laws and regulations pertaining  
23 to the practice of medicine.

24 4.3 Applicant stipulates and agrees that any violation of the terms of this Order shall  
25 be grounds for further disciplinary action under ORS 677.190(17).


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5.

This Order becomes effective the date it is signed by the Board Chair.

IT IS SO STIPULATED this 3<sup>rd</sup> day of June 2019.

  
MARY KATHRYN CLARK, PA

IT IS SO ORDERED this 11<sup>th</sup> day of July 2019.

OREGON MEDICAL BOARD  
State of Oregon

  
K. DEAN GUBLER, DO  
Board Chair

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of  
BEN HAROLD DOUGLAS, II, MD  
LICENSE NO. MD19528

}  
CORRECTIVE ACTION AGREEMENT  
}

1.  
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. Ben Harold Douglas, II, MD (Licensee) is a licensed physician in the State of Oregon.

2.

Licensee is a family practice physician who practices in Tillamook, Oregon. On July 11, 2019, the Board issued a Complaint and Notice of Proposed Disciplinary Action (Notice) in which the Board proposed taking disciplinary action for violations pursuant to ORS 677.205(2), 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) any conduct or practice contrary to recognized standards of ethics of the medical profession or any conduct or practice which does or might constitute a danger to the health or safety of a patient or the public; ORS 677.190(13) gross or repeated acts of negligence; ORS 677.190(17) violation of any rule adopted by the Board, specifically OAR 847-015-0030 Written Notice Disclosing the Material Risks Associated with Prescribed or Administered Controlled Substances for the Treatment of "Intractable Pain"; and ORS 677.190(24) prescribing controlled substances without a legitimate medical purpose or without following accepted procedures for examination of patients or for record keeping. Prior to the issuance of the Notice, on November 20, 2018, Licensee entered into an Interim Stipulated Order in which he agreed to certain restrictions regarding his prescribing of controlled substances.

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1 3.

2 In regard to the above-referenced matter, Licensee and the Board desire to settle this  
3 matter by entry of this Agreement. Licensee understands that he has the right to a contested case  
4 hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes.  
5 Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom  
6 by the signing of and entry of this agreement in the Board's records. The Board agrees to close  
7 the current investigation and does not make a finding in regard to any violation of the Medical  
8 Practice Act. This Agreement is a public document; however, it is not a disciplinary action. The  
9 Agreement is reportable to the National Practitioner Data Bank and the Federation of State  
10 Medical Boards.

11 4.

12 In order to address the concerns of the Board and for purposes of resolving this  
13 investigation, Licensee and the Board agree that the Board will close this investigation  
14 contingent upon Licensee agreeing to the following conditions:

15 4.1 Within 18 months of the effective date of this Agreement, Licensee agrees to  
16 successfully complete the OHSU Addiction Medicine ECHO Certificate Program.

17 4.2 Within two months of the effective date of this Agreement, Licensee agrees to  
18 complete the New England Journal of Medicine Pain Management and Opioids CME. It is noted  
19 that Licensee has submitted documentation of the completion of this CME.

20 4.3 To augment the education components of terms 4.1 and 4.2, subsequent to  
21 completion of term 4.2, Licensee agrees to submit clinic policies regarding the management of  
22 chronic pain patients on opioid medications for review and approval by the Board's Medical  
23 Director.

24 4.4 The Interim Stipulated Order of November 20, 2018, terminates effective the date  
25 the Board Chair signs this Agreement.

26 4.5 Licensee agrees to inform the Compliance Section of the Board of any and all  
27 practice sites, as well as any changes in practice address(es), employment, or practice status

1 within 10 business days. Additionally, Licensee agrees to notify the Compliance Section of any  
2 changes in contact information within 10 business days.

3 4.6 Licensee agrees to obey all federal and Oregon state laws and regulations  
4 pertaining to the practice of medicine.

5 4.7 Licensee agrees that any violation of the terms of this Agreement shall be grounds  
6 for disciplinary action under ORS 677.190(18).

7  
8  
9 IT IS SO AGREED this 11<sup>th</sup> day of July, 2019.

10 [REDACTED]  
11 BEN HAROLD DOUGLAS, II, MD

12 IT IS SO AGREED this 11<sup>th</sup> day of July, 2019.

13  
14 OREGON MEDICAL BOARD  
15 State of Oregon

16 [REDACTED]  
17 K. DEAN GUBLER, DO  
18 Board Chair  
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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
QIULING FU, LAC ) ORDER TERMINATING  
LICENSE NO. AC00565 ) CORRECTIVE ACTION AGREEMENT  
 )

1.

On January 4, 2018, Qiuling Fu, LAc (Licensee) entered into a Corrective Action Agreement with the Oregon Medical Board (Board). This Agreement placed conditions on Licensee's Oregon acupuncture license. On April 9, 2019, Licensee submitted documentation that she 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 January 4, 2018, Corrective Action Agreement, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 11<sup>th</sup> day of July, 2019.

OREGON MEDICAL BOARD  
State of Oregon

  
K. DEAN GUBLER, DO  
Board Chair



BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of	)	
	)	
MCKENZIE ROBIN GABY, LAc	)	DEFAULT FINAL ORDER
LICENSE NO. AC167795	)	

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including acupuncturists, in the State of Oregon. McKenzie Robin Gaby, LAc (Licensee) is a licensed acupuncturist in the State of Oregon.

2.

On May 28, 2019, the Board sent to Licensee by regular and certified mail and electronic mail a Complaint and Notice of Proposed Disciplinary Action (Notice) in which the Board proposed to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 civil penalty per violation, and assessment of costs, against Licensee as allowed per OAR 847-070-0030(5), 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) any conduct or practice contrary to recognized standards of ethics of the profession or any conduct or practice which does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition which does or might adversely affect a licensee's ability to practice safely and skillfully; ORS 677.190(7) impairment; and ORS 677.190(17) failing to comply with a Board request or violation of any rule adopted by the Board, specifically OAR 847-001-0024 compliance with a Board investigation. The Notice informed Licensee that if she failed to submit a request for hearing or failed to appear at a scheduled hearing, the Board may issue a final order by default. Licensee did not request a hearing. As a result, Licensee has waived her right to a hearing and

1 now stands in default. The Board elects in this case to designate the record of proceedings to  
2 date, which consists of Licensee's file with the Board as the record for purposes of proving a  
3 prima facie case, pursuant to ORS 183.417(4).

4 3.

5 **FINDINGS OF FACT**

6 Licensee is an acupuncturist who formerly practiced in Portland, Oregon and holds a  
7 lapsed license with the Board. Licensee's acts and conduct that violated the Medical Practice  
8 Act follow:

9 3.1 The national certifying body for acupuncturists is the National Certification  
10 Commission for Acupuncture and Oriental Medicine (NCCAOM). The NCCAOM has  
11 published a Code of Ethics for the profession of acupuncture. This Code of Ethics lists as a  
12 principle, "Treat within my lawful scope of my practice and training and only if I am able to  
13 safely, competently and effectively do so." NCCAOM states about their Code of Ethics, "The  
14 cornerstone of the NCCAOM's commitment to ethical business practices and professional  
15 conduct is its Code of Ethics." Additionally, the Oregon Association of Acupuncture and  
16 Oriental Medicine has published a Code of Ethics. Rule 1.1(e) of this Code reads, "A  
17 practitioner shall refrain from the practice of acupuncture when suffering from physical or  
18 mental impairment that affects the ability to practice safely."

19 3.2 Licensee has a history of alcohol abuse, to include an arrest for driving under the  
20 influence of an intoxicant (DUI) on October 12, 2016. Licensee underwent a breath test, which  
21 revealed a blood alcohol content (BAC) of 0.35%. Licensee subsequently entered and completed  
22 court ordered diversion, and the DUI charge was dismissed. On August 19, 2017, Licensee  
23 entered her place of work at Working Class Acupuncture in Hillsdale, Oregon. Co-workers  
24 noticed that Licensee had the smell of alcohol on her breath. On September 9, 2017, a patient  
25 reported smelling alcohol on the breath of Licensee during a clinical encounter at an opioid  
26 treatment program. This observation was endorsed by members of the clinic's staff. Licensee's

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1 employer placed her on probation. Licensee was terminated from her employment on October 4,  
2 2017.

3 3.3 Licensee entered a detoxification program in March 2018. On March 8, 2018, the  
4 Board sent Licensee a written request to obtain a substance use disorder evaluation from a Board  
5 approved evaluator with a list of providers whom she could choose from. Licensee failed to  
6 respond or comply. Licensee sent records from the detoxification program to the Board. The  
7 Board informed Licensee by letter, dated May 8, 2018, that her submittal was not sufficient  
8 because it did not meet the Board's criteria for an evaluation. Licensee was therefore directed to  
9 obtain an evaluation from a Board-approved evaluator. Licensee failed to respond. On June 19,  
10 2018, the Board sent another written request to Licensee requesting that she obtain a substance  
11 use disorder evaluation from the list of persons or entities contained in the letter. Licensee failed  
12 to respond. A final written request to obtain an evaluation was sent to Licensee on July 6, 2018,  
13 by certified mail. Licensee did not respond or comply. Licensee later acknowledged that she  
14 had received all four written requests. In NCCAOM's list of Grounds for Professional  
15 Discipline, item 1 reads, "Failing to cooperate with a disciplinary investigation."

16 4.

### 17 **CONCLUSIONS OF LAW**

18 Based upon its examination of the record in this case, the Board finds that the acts and  
19 conduct of Licensee described above are supported by reliable, probative and substantive  
20 evidence and violated the Medical Practice Act, as set forth below:

21 4.1 Licensee's history of alcohol abuse and evidence of impairment at her place of  
22 work in a clinical setting violated ORS 677.190(1)(a) any conduct or practice contrary to  
23 recognized standards of ethics of the profession, or any conduct or practice which does or might  
24 constitute a danger to the health or safety of a patient or the public, or any conduct, practice or  
25 condition which does or might adversely affect a licensee's ability to practice safely and  
26 skillfully; and ORS 677.190(7) impairment.

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4.2 Licensee's failure to comply with four written requests that she undergo an evaluation violated ORS 677.190(1)(a) unprofessional conduct, as defined in ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the profession, or any conduct, practice or condition which does or might adversely affect a licensee's ability to practice safely and skillfully; and ORS 677.190(17) failing to comply with a Board request or violation of any rule adopted by the Board, specifically OAR 847-001-0024 compliance with a Board investigation.

5.

## ORDER

In order to protect the public and appropriately address her conduct, the Board enters the following order:

**IT IS HEREBY ORDERED THAT the license of Gaby Robin McKenzie to practice acupuncture in the State of Oregon is revoked and that Licensee must pay a civil penalty of \$1,000, payable within 60 days from the date this Order is signed by the Board Chair. Violation of the terms of this Order constitutes a violation of the Medical Practice Act.**

DATED this 11<sup>th</sup> day of July, 2019.

**OREGON MEDICAL BOARD**  
State of Oregon

K. DEAN GUBLER, DO  
BOARD CHAIR

### **Right to Judicial Review**

**NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.482. If this Order was personally delivered to you, the date of

1 service is the day it was mailed, not the day you received it. If you do not file a petition for  
2 judicial review within the 60 days' time period, you will lose your right to appeal.  
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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of

TEI HABENICHT, PA  
APPLICANT

## 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. Tei Habenicht, PA (Applicant) has applied for an unlimited license to practice medicine as a physician assistant in Oregon.

2.

On March 26, 2019, the Board issued a Notice of Intent to Deny License Application (Notice) in which the Board proposed denying Applicant's application for a license to practice medicine as a physician assistant in the State of Oregon, and to impose up to the maximum range of potential sanctions identified in ORS 677.205(2), to include a \$10,000 civil penalty per violation, and assessment of costs based upon violations of the Medical Practice Act, as follows: ORS 677.512(2)(g) lack of good moral character as a disqualification for licensure; OAR 847-050-0015(2)(b) license revocation or suspension in another state as a disqualification for licensure; OAR 847-050-0015(2)(d) conduct similar to that which is prohibited by ORS 677.190 as a disqualification for licensure; ORS 677.190(1)(a) unprofessional or dishonorable conduct as defined in ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the medical profession; ORS 677.190(8) fraud or misrepresentation in applying for a license to practice; ORS 677.190(15) disciplinary action by another state of a license to practice; ORS 677.190(17) willfully violating any provision of this chapter or any rule adopted by the Board, specifically OAR 847-008-0010(2) ensuring an application for licensure is complete and

1 accurate; ORS 677.190(23) violation of the federal Controlled Substances Act, specifically, 21  
2 U.S. Code § 843(a)(1) and (2); and ORS 677.190(24) prescribing controlled substances without a  
3 legitimate medical purpose, prescribing controlled substances without following accepted  
4 procedures for examination of patients, and prescribing controlled substances without following  
5 accepted procedures for record keeping.

6 3.

7 Applicant and the Board desire to settle this matter by the entry of this Stipulated Order.  
8 Applicant understands that she has the right to a contested case hearing under the Administrative  
9 Procedures Act (Oregon Revised Statutes chapter 183), and fully and finally waives the right to a  
10 contested case hearing and any appeal therefrom by the signing of and entry of this Order in the  
11 Board's records. Applicant neither admits nor denies, but the Board finds that Applicant  
12 engaged in conduct that violated the Medical Practice Act, as described in the Board's Notice, to  
13 wit: OAR 847-050-0015(2)(b); OAR 847-050-0015(2)(d); ORS 677.190(1)(a) as defined in  
14 ORS 677.188(4)(a); ORS 677.190(8); ORS 677.190(15); ORS 677.190(17), specifically OAR  
15 847-008-0010(2); ORS 677.190(23) specifically, 21 U.S. Code § 843(a)(1) and (2); and ORS  
16 677.190(24). Applicant understands that this Order is a public record and is a disciplinary action  
17 that is reportable to the National Practitioner DataBank and the Federation of State Medical  
18 Boards.

19 4.

20 Applicant and the Board agree that the Board will close this investigation and resolve this  
21 matter by entry of this Stipulated Order, subject to the following conditions:

22 4.1 Applicant withdraws her application for an Oregon physician assistant license  
23 while under investigation.

24 4.2 Applicant must obey all federal and Oregon state laws and regulations pertaining  
25 to the practice of medicine.

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1           4.3     Applicant stipulates and agrees that any violation of the terms of this Order shall  
2 be grounds for further disciplinary action under ORS 677.190(17).

3                                 5.

4           This Order becomes effective the date it is signed by the Board Chair.

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6                                 IT IS SO STIPULATED this 5<sup>th</sup> day of May 2019.

7  
8                                 [REDACTED]  
9                                 TEI HABENICHT, PA-C

10                                IT IS SO ORDERED this 11<sup>th</sup> day of July 2019.

11  
12                                OREGON MEDICAL BOARD  
13                                State of Oregon

14                                [REDACTED]  
15                                K. DEAN GUBLER, DO  
16                                Board Chair





1 Order in the Board's records. Licensee neither admits nor denies, but the Board finds that  
2 Licensee engaged in the conduct as described in the Board's Complaint and Notice of Proposed  
3 Disciplinary Action (Notice) dated March 26, 2019, and that this conduct violated the Medical  
4 Practice Act as cited in the Notice. Licensee understands that this Order is a public record and is  
5 a disciplinary action that is reportable to the National Practitioner Data Bank and the National  
6 Certification Commission for Acupuncture and Oriental Medicine.

7 4.

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

10 4.1 Licensee's acupuncture license is revoked, however the revocation is stayed.

11 4.2 Licensee is reprimanded.

12 4.3 Licensee must pay a civil penalty of \$10,000. The first \$5,000 is due within two  
13 years of the effective date of this Order. Licensee may make payments, as long as no payment,  
14 excepting the last payment, is less than \$100. Licensee may petition the Board for relief from  
15 this term if the first \$5,000 is paid in full within two years.

16 4.4 Licensee is placed on probation for a period of five years and shall report in  
17 person to the Board at each of its quarterly meetings at the scheduled times for a probation  
18 interview, unless otherwise directed by the Board's Compliance Officer or its Investigative  
19 Committee. Additionally, at the Board's discretion, interviews may be held electronically  
20 between Licensee and the Board's Compliance Officer (or its designee) using Board established  
21 protocols for the location and electronic transmission of the meeting. Licensee is responsible for  
22 maintenance of the equipment and technology necessary for the electronic meetings to occur.  
23 Licensee will be notified if and when such meetings are scheduled in lieu of an in-person  
24 appearance. Licensee may petition the Board for relief from this term after two years of  
25 compliance with all terms of this Order.

26 4.5 Licensee must inform the Compliance Section of the Board of any and all practice  
27 sites, as well as any changes in practice address(es), employment, or practice status within 10

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1 business days. Additionally, Licensee must notify the Compliance Section of any changes in  
2 contact information within 10 business days.

3 4.6 Licensee must obey all federal and Oregon state laws and regulations pertaining  
4 to the practice of acupuncture.

5 4.7 Licensee stipulates and agrees that any violation of the terms of this Order shall  
6 be grounds for further disciplinary action under ORS 677.190(17).

7 4.8 Licensee stipulates and agrees that this Order becomes effective the date it is  
8 signed by the Board Chair.

9  
10 IT IS SO STIPULATED THIS 12<sup>th</sup> day of June, 2019.

11  
12   
13 STEFANI KOVACOVSKY HAYES, LAC

14 IT IS SO ORDERED THIS 11<sup>th</sup> day of July, 2019.

15  
16 OREGON MEDICAL BOARD  
17 State of Oregon

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19 K. DEAN GUBLER, DO  
20 BOARD CHAIR  
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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
)  
WHITNEY KOVACOVSKY HAYES, LAC ) STIPULATED ORDER  
LICENSE NO. AC150217 )  
)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including acupuncturists, in the State of Oregon. Whitney Kovacovsky Hayes, LAc (Licensee) is a licensed acupuncturist in the State of Oregon.

2.

On March 26, 2019, the Board issued a Complaint and Notice of Proposed Disciplinary Action in which the Board proposed taking disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 civil penalty per violation, 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) conduct contrary to recognized standards of ethics of the profession and conduct which does or might constitute a danger to the health or safety of a patient; ORS 677.190(13) gross or repeated acts of negligence; ORS 677.190(17) willfully violating a Board regulation; OAR 847-070-0030(3) gross negligence in the practice of acupuncture; and OAR 847-070-0030(5) violations of ORS 677.190.

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

1 Order in the Board's records. Licensee neither admits nor denies, but the Board finds that  
2 Licensee engaged in the conduct as described in the Board's Complaint and Notice of Proposed  
3 Disciplinary Action (Notice) dated March 26, 2019, and that this conduct violated the Medical  
4 Practice Act as cited in the Notice. Licensee understands that this Order is a public record and is  
5 a disciplinary action that is reportable to the National Practitioner Data Bank and the National  
6 Certification Commission for Acupuncture and Oriental Medicine.

7 4.

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

10 4.1 Licensee is reprimanded.

11 4.2 Licensee must pay a civil penalty of \$4,000.00 within two years from the  
12 effective date of this Order. Licensee may make payments, as long as no payment, excepting the  
13 final payment, is less than \$100.

14 4.3 Within six months from the effective date of this Order, Licensee must complete a  
15 course in professional boundaries that has been pre-approved by the Board's Medical Director.

16 4.4 Licensee must inform the Compliance Section of the Board of any and all practice  
17 sites, as well as any changes in practice address(es), employment, or practice status within 10  
18 business days. Additionally, Licensee must notify the Compliance Section of any changes in  
19 contact information within 10 business days.

20 4.5 Licensee must obey all federal and Oregon state laws and regulations pertaining  
21 to the practice of acupuncture.

22 4.6 Licensee stipulates and agrees that any violation of the terms of this Order shall  
23 be grounds for further disciplinary action under ORS 677.190(17).

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1           4.7     Licensee stipulates and agrees that this Order becomes effective the date it is  
2 signed by the Board Chair.

3                           IT IS SO STIPULATED THIS 12<sup>th</sup> day of June, 2019.

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5                             
6                           WHITNEY KOVACOVSKY HAYES, LAC

7                           IT IS SO ORDERED THIS 11<sup>th</sup> day of July, 2019.

8                           OREGON MEDICAL BOARD  
9                           State of Oregon

10                            
11                          K. DEAN GUBLER, DO  
12                          BOARD CHAIR

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of:

CATHARINA ANN HOEKSEMA, MD ) STIPULATED ORDER  
LICENSE NO. MD22348 )

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. Catharina Ann Hoeksema, MD (Licensee) holds an active license to practice medicine in the State of Oregon.

2.

On June 6, 2019, the Board issued a Complaint and Notice of Proposed Disciplinary Action (Notice) in which the Board proposed to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 civil penalty per violation, 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) any conduct or practice which does or might constitute a danger to the health or safety of a patient or the public; and ORS 677.190(13) 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

1 engaged in the conduct described in the June 6, 2019, Complaint and Notice of Proposed  
2 Disciplinary Action, and this conduct violated ORS 677.190(1)(a) as defined in ORS  
3 677.188(4)(a); and ORS 677.190(13). Licensee understands that this Order is a public record  
4 and is a disciplinary action that is reportable to the National Data Bank and the Federation of  
5 State Medical Boards.

6 4.

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

9 4.1 Licensee must pay a civil penalty of \$7,500.00 within 12 months from the  
10 effective date of this Order. Licensee may make payments, as long as no payment, excepting the  
11 final payment, is less than \$100.

12 4.2 Licensee's surgical practice is limited to the breast and soft tissue. Licensee must  
13 not perform any emergency general surgery on any patient.

14 4.4 Licensee must inform the Compliance Section of the Board of any and all practice  
15 sites, as well as any changes in practice address(es), employment, or practice status within 10  
16 business days. Additionally, Licensee must notify the Compliance Section of any changes in  
17 contact information within 10 business days.

18 4.5 Licensee stipulates and agrees that this Order becomes effective the date it is  
19 signed by the Board Chair.

20 4.6 Licensee must obey all federal and Oregon state laws and regulations pertaining  
21 to the practice of medicine.

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1           4.7     Licensee stipulates and agrees that any violation of the terms of this Order shall  
2 be grounds for further disciplinary action under ORS 677.190(17).

3  
4           IT IS SO STIPULATED THIS 28 day of June, 2019.

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6             
7           CATHARINA ANN HOEKSEMA, MD

8           IT IS SO ORDERED THIS 17<sup>th</sup> day of July, 2019.

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10           OREGON MEDICAL BOARD  
11           State of Oregon

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13           K. DEAN GUBLER, DO  
14           BOARD CHAIR  
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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

**In the Matter of**

**JANE KATHERINE HOPSON, PA**  
**LICENSE NO. PA01299**

## STIPULATED ORDER

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physician assistants, in the State of Oregon. Jane Katherine Hopson, PA (Licensee) is a licensed physician assistant in the State of Oregon.

2.

On February 12, 2019, the Board opened an investigation after receiving information regarding Licensee's possible violation of the Medical Practice Act. The Board's investigation revealed significant concerns regarding patient boundary violations and patient care. On April 8, 2019, Licensee entered into an Interim Stipulated Order with the Board in which she voluntarily withdrew from practice and placed her license in Inactive status pending the completion of the Board's investigation.

3.

Licensee and the Board desire to settle this matter by the entry of this Stipulated Order. Licensee understands that she has the right to a contested case hearing under the Administrative Procedures Act (Oregon Revised Statutes chapter 183), 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 admits that she engaged in conduct that violated the Medical Practice Act, to wit: ORS 677.190(1)(a), unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the medical

1 profession or any conduct or practice which does or might constitute a danger to the health or  
2 safety of a patient, ORS 677.188(4)(b) willful performance of any surgical or medical treatment  
3 which is contrary to acceptable medical standards, ORS 677.188(4)(c) failure to obtain  
4 consultations when failing to do so is not consistent with the standard of care; ORS 677.190(5)  
5 willfully or negligently divulging a professional secret without the written consent of the patient;  
6 ORS 677.190(13) gross or repeated acts of negligence; and ORS 677.190(17) willful violation of  
7 any provision of the Medical Practice Act. Licensee understands that this Order is a public  
8 record and is a disciplinary action that is reportable to the National Practitioner Data Bank and  
9 the Federation of State Medical Boards.

10 4.

11 Licensee and the Board agree that the Board will close this investigation and resolve this  
12 matter by entry of this Stipulated Order, subject to the following conditions:

13 4.1 Licensee surrenders her Oregon physician assistant license while under  
14 investigation.

15 4.2 The Interim Stipulated Order of April 8, 2019, terminates effective the date the  
16 Board Chair signs this Stipulated Order.

17 4.3 Licensee must obey all Federal and Oregon State laws and regulations pertaining  
18 to the practice of medicine.

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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(17).

5.

**This Order becomes effective the date it is signed by the Board Chair.**

IT IS SO STIPULATED this 22 day of April 2019.

JANE KATHERINE HOPSON, PA

IT IS SO ORDERED this 11<sup>th</sup> day of July 2019.

**OREGON MEDICAL BOARD**  
State of Oregon

**K. DEAN GUBLER, DO**  
**Board Chair**

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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
AARON WAYNE HUBBS, LAc ) STIPULATED ORDER  
LICENSE NO. AC01137 )  
)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including acupuncturists, in the State of Oregon. Aaron Wayne Hubbs, LAc (Licensee) is a licensed acupuncturist in the State of Oregon.

2.

On June 4, 2019, the Board issued a Complaint and Notice of Proposed Disciplinary Action in which the Board proposed to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), that may include the revocation of license, a \$10,000 civil penalty per violation, and assessment of costs, against Licensee as allowed per OAR 847-070-0030(5), 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) any conduct or practice contrary to recognized standards of ethics of the profession; ORS 677.190(17) willfully violating any rule adopted by the Board, specifically OAR 847-010-0073(1)(a) Reporting Requirements, or failing to comply with a Board request pursuant to ORS 677.320; and ORS 677.190(26) failure by the Licensee to report to the Board any adverse action taken against Licensee by another licensing jurisdiction for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action taken by this Board.

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

1 Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the  
2 right to a contested case hearing and any appeal therefrom by the signing of and entry of this  
3 Order in the Board's records. Licensee admits that he engaged in the conduct described in the  
4 June 4, 2019, Complaint and Notice of Proposed Disciplinary Action, and that this conduct  
5 violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS  
6 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the  
7 profession; ORS 677.190(17) willfully violating any rule adopted by the Board, specifically  
8 OAR 847-010-0073(1)(a) Reporting Requirements, or failing to comply with a Board request  
9 pursuant to ORS 677.320; and ORS 677.190(26) failure by the Licensee to report to the Board  
10 any adverse action taken against Licensee by another licensing jurisdiction for acts or conduct  
11 similar to acts or conduct that would constitute grounds for disciplinary action taken by this  
12 Board. Licensee understands that this Order is a public record and is a disciplinary action that is  
13 reportable to the National Certification Commission for Acupuncture and Oriental Medicine and  
14 the Federation of State Medical Boards.

15 4.

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

18 4.1 Licensee is reprimanded.

19 4.2 Licensee is assessed a civil penalty of \$5,000.00. The first \$1,000.00 is due  
20 within one year from the effective date of this Order. The remaining \$4,000.00 is held in  
21 abeyance as long as Licensee is in compliance with all other terms and conditions of this Order.  
22 Licensee may make payments, as long as no payment, excepting the final payment, is less than  
23 \$100.

24 4.3 Within nine months from the effective date of this Order, Licensee must  
25 successfully complete a professional boundaries course that has been pre-approved by the  
26 Board's Medical Director and is determined to be complete by the Board's Medical Director.  
27 This course is distinct from the 20 hours of continuing education on professional ethics required  
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1 in the March 26, 2018, Settlement Agreement and Consent Order issued by the Oregon Board of  
2 Naturopathic Medicine.

3 4.4 On the first day of the month, ten months after the effective date of this Order,  
4 Licensee's Acupuncture license is suspended for 30 days. However, the suspension is stayed  
5 upon Licensee's successful completion of term 4.3 of this Order.

6 4.5 Licensee's acupuncture practice is subject to random, no notice chart audits and  
7 office visits by Board designees.

8 4.6 Licensee must inform the Compliance Section of the Board of any and all practice  
9 sites, as well as any changes in practice address(es), employment, or practice status within 10  
10 business days. Additionally, Licensee must notify the Compliance Section of any changes in  
11 contact information within 10 business days.

12 4.7 Licensee must obey all federal and Oregon state laws and regulations pertaining  
13 to the practice of acupuncture.

14 4.8 Licensee stipulates and agrees that any violation of the terms of this Order shall  
15 be grounds for further disciplinary action under ORS 677.190(17).

16 4.9 Licensee stipulates and agrees that this Order becomes effective the date it is  
17 signed by the Board Chair.

18  
19 IT IS SO STIPULATED THIS 23 day of June, 2019.

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21   
22 AARON/WAYNE HUBBS, LAc

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24 IT IS SO ORDERED THIS 11<sup>th</sup> day of July, 2019.

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26 OREGON MEDICAL BOARD  
27 State of Oregon

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K. DEAN GUBLER, DO  
BOARD CHAIR

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
PAUL DAVID MATZ, MD ) ORDER TERMINATING  
LICENSE NO. MD12660 ) CORRECTIVE ACTION AGREEMENT  
 )

1.

On October 8, 2015, Paul David Matz, MD (Licensee) entered into a Corrective Action Agreement with the Oregon Medical Board (Board). This Agreement placed conditions on Licensee's Oregon license. On April 15, 2019, 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 October 8, 2015, Corrective Action Agreement, effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 11<sup>th</sup> day of July, 2019.

OREGON MEDICAL BOARD  
State of Oregon

  
K. DEAN GUBLER, DO  
Board Chair



BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
 ELIZABETH JEAN MCCORKLE, MD ) STIPULATED ORDER  
 LICENSE NO. MD22056 )  
 )

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. Elizabeth Jean McCorkle, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On May 5, 2017, the Board issued a Complaint and Notice of Proposed Disciplinary Action [Notice] in which the Board proposed taking disciplinary action against Licensee by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 civil penalty, and assessment of costs, 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(13) gross or repeated acts of negligence. The Board continued its investigation, and issued an Amended Complaint and Notice of Disciplinary Action on July 11, 2019, for violations of ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the medical profession, or any conduct or practice which does or might constitute a danger to the health or safety of a patient, and ORS 677.188(4)(b) willful performance of any medical treatment which is contrary to acceptable medical standards, and ORS 677.188(4)(c) administration of unnecessary treatment, or employment of outmoded, unproved or unscientific treatments, or otherwise utilizing medical service for treatment which is or may be considered inappropriate or unnecessary; ORS

1 677.190(13) repeated acts of negligence; and ORS 677.190(17) willfully violating any Board  
2 rule, specifically OAR 847-015-0010(2) and OAR 847-015-0015, and failing to comply with a  
3 Board request pursuant to ORS 677.320.

4 3.

5 Licensee and the Board desire to settle this matter by entry of this Stipulated Order.  
6 Licensee understands that she 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 neither admits or denies but the Board finds that  
10 Licensee engaged in the conduct described in paragraph 2 (above) and paragraph 3 of the  
11 Board's Amended Complaint and Notice of Proposed Disciplinary Action of July 11, 2019, and  
12 that this conduct violated ORS 677.190(1)(a), as defined in ORS 677.188(4)(a)-(c); ORS  
13 677.190(13); and ORS 677.190(17). Licensee understands that this Order is a public record and  
14 is a disciplinary action that is reportable to the National Practitioner Data Bank and the  
15 Federation of State Medical Boards.

16 4.

17 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order,  
18 in which the Board agrees to close all open investigations and Licensee agrees to fully comply  
19 with the following terms and conditions:

20 4.1 Licensee is reprimanded.

21 4.2 Licensee is placed on probation for a minimum period of two years and shall  
22 report in person to the Board at each of its quarterly meetings at the scheduled times for a  
23 probation interview, unless otherwise directed by the Board's Compliance Officer or its  
24 Investigative Committee. Additionally, at the Board's discretion, interviews may be held  
25 electronically between Licensee and the Board's Compliance Officer (or its designee) using  
26 Board established protocols for the location and electronic transmission of the meeting. Licensee  
27 is responsible for maintenance of the equipment and technology necessary for the electronic

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1 meetings to occur. Licensee will be notified if and when such meetings are scheduled in lieu of  
2 an in-person appearance.

3 4.3 Licensee must not treat any patient with testosterone.

4 4.4 Licensee must not treat any patient with controlled substances for weight  
5 reduction or control.

6 4.5 Licensee must comply with the Clinical Practice Guidelines published by the  
7 Endocrine Society for treatment with estrogen and thyroid hormones. Licensee must refrain  
8 from treating patients with thyroid whose TSH is within the normal range as recognized by the  
9 Endocrine Society and as confirmed by laboratory study.

10 4.6 Licensee's medical practice is subject to random, no notice chart audits and office  
11 visits by Board designees.

12 4.7 Licensee stipulates and agrees that this Order becomes effective the date it is  
13 signed by the Board Chair.

14 4.8 Licensee must obey all federal and Oregon state laws and regulations pertaining  
15 to the practice of medicine.

16 4.9 Licensee stipulates and agrees that any violation of the terms of this Order shall  
17 be grounds for further disciplinary action under ORS 677.190(17).

18  
19 IT IS SO STIPULATED THIS 11 day of July, 2019.

20  
21   
22 ELIZABETH JEAN MCCORKLE, MD

23 IT IS SO ORDERED THIS 11th day of July, 2019.

24 OREGON MEDICAL BOARD  
25 State of Oregon

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28 K. DEAN GUBLER, DO  
BOARD CHAIR

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of

SOUNAK MISRA, MD  
LICENSE NO. MD26161

)  
)  
) ORDER MODIFYING  
) STIPULATED ORDER  
)

1.

On October 6, 2016, Sounak Misra, MD (Licensee) entered into a Stipulated Order with the Oregon Medical Board (Board). This Order placed certain conditions on Licensee's medical license. On February 4, 2019, Licensee submitted a written request asking the Board to terminate or modify this Order. Term 4.4 of the Order reads:

4.4 Licensee may not work in any health care setting where he would have access to controlled substances.

2.

Having fully considered Licensee's request and compliance with this term, the Board terminates term 4.4 of the October 6, 2016, Stipulated Order effective the date this Order is signed by the Board Chair. All other terms of the October 6, 2016, Stipulated Order are unchanged and remain in full force and effect.

IT IS SO ORDERED this 11<sup>th</sup> day of July, 2019.

OREGON MEDICAL BOARD  
State of Oregon

K. DEAN GUBLER, DO  
Board Chair

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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
)  
SHAWN MICHAEL MORGAN, MD ) STIPULATED ORDER  
LICENSE NO. MD23459 )  
)

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. Shawn Michael Morgan, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On May 8, 2019, the Board issued a Complaint and Notice of Proposed Disciplinary Action (Notice) in which the Board proposed taking disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 civil penalty per violation, 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) any conduct, practice or condition which does or might adversely affect a physician's ability to safely and skillfully practice medicine; and ORS 677.190(7) impairment. Prior to the issuance of the Notice, on September 25, 2018, Licensee entered into an Interim Stipulated Order (ISO) with the Board in which he agreed to voluntarily withdraw from practice and place his license in Inactive status. Subsequent to Licensee's enrollment in the Health Professionals' Services Program, the Board terminated the ISO on February 7, 2019, and restored his license to Active status

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

1 right to a contested case hearing and any appeal therefrom by the signing of and entry of this  
2 Order in the Board's records. Licensee admits that he engaged in the conduct described in  
3 Notice dated May 8, 2019, and that this conduct violated ORS 677.190(1)(a), as defined in ORS  
4 677.188(4)(a); and ORS 677.190(7). Licensee understands that this Order is a public record and  
5 is a disciplinary action that is reportable to the National Practitioner Data Bank and the  
6 Federation of State Medical Boards.

7 4.

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

10 4.1 Licensee is reprimanded.

11 4.2 Licensee must remain enrolled and in good standing in the Health Professionals'  
12 Services Program and in compliance with any monitoring requirements as long as he is licensed  
13 in the State of Oregon.

14 4.3 Licensee must inform the Compliance Section of the Board of any and all practice  
15 sites, as well as any changes in practice address(es), employment, or practice status within 10  
16 business days. Additionally, Licensee must notify the Compliance Section of any changes in  
17 contact information within 10 business days.

18 4.4 Licensee must obey all federal and Oregon state laws and regulations pertaining  
19 to the practice of medicine.

20 4.5 Licensee stipulates and agrees that any violation of the terms of this Order shall  
21 be grounds for further disciplinary action under ORS 677.190(17).

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1           4.6     Licensee stipulates and agrees that this Order becomes effective the date it is  
2 signed by the Board Chair.

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4           IT IS SO STIPULATED THIS 24 day of May, 2019.

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6             
7           SHAWN MICHAEL MORGAN, MD

8  
9           IT IS SO ORDERED THIS 17th day of July, 2019.

10           OREGON MEDICAL BOARD  
11           State of Oregon

12             
13           K. DEAN GUBLER, DO  
14           BOARD CHAIR

1 CBEPHORE THE  
2 OREGON MEDICAL BOARD  
3 STATE OF OREGON

4 In the Matter of )  
5 STEPHEN LANIER NELSON, MD ) STIPULATED ORDER  
6 LICENSE NO. MD18996 )  
7 )

8 1.

9 The Oregon Medical Board (Board) is the state agency responsible for licensing,  
10 regulating and disciplining certain health care providers, including physicians, in the State of  
11 Oregon. Stephen Lanier Nelson, MD (Licensee) is a licensed physician in the State of Oregon.

12 2.

13 On April 22, 2019, the Board issued a Complaint and Notice of Proposed Disciplinary  
14 Action in which the Board proposed taking disciplinary action pursuant to ORS 677.205(2), to  
15 include the revocation of license, a \$10,000 civil penalty, and assessment of costs, against  
16 Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or  
17 dishonorable conduct, as defined in ORS 677.188(4)(a) any conduct or practice contrary to  
18 recognized standards of ethics of the medical profession, or any conduct or practice which does  
19 or might constitute a danger to the health or safety of a patient or the public, ORS 677.188(4)(b)  
20 willful performance of any surgical or medical treatment which is contrary to acceptable medical  
21 standards, and ORS 677.188(4)(c) utilizing medical service for diagnosis or treatment which is  
22 or may be considered inappropriate or unnecessary; ORS 677.190(17) willfully violating any  
23 Board order; and ORS 677.190(23) violation of the Federal Controlled Substances Act.

24 3.

25 Licensee is a family practice physician practicing in Medford, Oregon. Licensee has a  
26 history of past Board disciplinary actions, to include a Stipulated Order, dated January 8, 2016,  
27 which placed Licensee on probation with certain conditions.

28 ///



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 neither admits nor denies, but the Board finds that Licensee engaged in the conduct as described in the Board's Complaint and Notice of Proposed Disciplinary Action (Notice) dated April 22, 2019, and that this conduct violated the Medical Practice Act as cited in the Notice. Licensee understands that this Order is a public record and is a disciplinary action that is reportable to the National Practitioner Data Bank and the Federation of State Medical Boards.

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:

5.1 Licensee is reprimanded.

5.2 Licensee must pay a civil penalty of \$10,000, payable in full within two years from the effective date of this Order. Licensee may make payments, as long as no single payment, excepting the final payment, is less than \$100.

5.3 Licensee is placed on probation for a period of five years and shall report in person to the Board at each of its quarterly meetings at the scheduled times for a probation interview, unless otherwise directed by the Board's Compliance Officer or its Investigative Committee. Additionally, at the Board's discretion, interviews may be held electronically between Licensee and the Board's Compliance Officer (or its designee) using Board established protocols for the location and electronic transmission of the meeting. Licensee is responsible for maintenance of the equipment and technology necessary for the electronic meetings to occur. Licensee will be notified if and when such meetings are scheduled in lieu of an in-person appearance.

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1           5.4     Licensee must not prescribe DEA scheduled medications to any patient.

2           5.5     Licensee must not act as the supervising physician for more than one physician  
3 assistant at any given time. Any physician assistant supervised by Licensee must be pre-  
4 approved by the Board's Medical Director. Any physician assistant supervised by Licensee is  
5 subject to the limitation as described in term 5.4 of this Order. Licensee is personally  
6 responsible for any violations of this limitation by the physician assistant, which would  
7 constitute of violation of this Order.

8           5.6     The Stipulated Order of January 8, 2016, terminates effective the date the Board  
9 Chair signs this Order.

10          5.7     Licensee's medical practice and charts are subject to random audits.

11          5.8     Licensee must inform the Compliance Section of the Board of any and all practice  
12 sites, as well as any changes in practice address(es), employment, or practice status within 10  
13 business days. Additionally, Licensee must notify the Compliance Section of any changes in  
14 contact information within 10 business days.

15          5.9     Licensee stipulates and agrees that this Order becomes effective the date it is  
16 signed by the Board Chair.

17          5.10    Licensee must obey all federal and Oregon state laws and regulations pertaining  
18 to the practice of medicine.

19          5.11    Licensee stipulates and agrees that any violation of the terms of this Order shall  
20 be grounds for further disciplinary action under ORS 677.190(17).

21                   IT IS SO STIPULATED THIS 13<sup>th</sup> day of June, 2019.

22  
23   
24 STEPHEN LANIER NELSON, MD

25                   IT IS SO ORDERED THIS 11<sup>th</sup> day of July, 2019.

26 OREGON MEDICAL BOARD  
27 State of Oregon  
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K. DEAN GUBLER, DO  
BOARD CHAIR

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of	)	
	)	
TIMOTHY NICHOLAS NELSON, LAC	)	STIPULATED ORDER
LICENSE NO. AC161759	)	
	)	

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including acupuncturists, in the State of Oregon. Timothy Nicholas Nelson, LAc (Licensee) is a licensed acupuncturist in the State of Oregon.

2.

On May 1, 2019, the Board issued a Complaint and Notice of Proposed Disciplinary Action in which the Board proposed to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), that may include the revocation of license, a \$10,000 civil penalty per violation, 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) any conduct or practice contrary to recognized standards of ethics of the medical profession or any conduct or practice which does or might constitute a danger to the health or safety of a patient or the public; ORS 677.190(13) gross or repeated acts of negligence; and ORS 677.190(17) willfully violating a Board regulation, specifically OAR 847-070-0030(3) gross negligence in the practice of acupuncture, and OAR 847-070-0030(5) violations of ORS 677.190.

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

1 right to a contested case hearing and any appeal therefrom by the signing of and entry of this  
2 Order in the Board's records. Licensee neither admits nor denies, but the Board finds that he  
3 engaged in the conduct described in the May 1, 2019, Complaint and Notice of Proposed  
4 Disciplinary Action, and that this conduct violated ORS 677.190(1)(a), as defined in ORS  
5 677.188(4)(a); ORS 677.190(13); and ORS 677.190(17). Licensee understands that this Order is  
6 a public record and is a disciplinary action that is reportable to the National Practitioner  
7 Databank and the National Certification Commission for Acupuncture and Oriental Medicine.

8 4.

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

11 4.1 Licensee is reprimanded.

12 4.2 Licensee must pay a civil penalty of \$1,000.00 within one year from the effective  
13 date of this Order. Licensee may make payments, as long as no payment, excepting the final  
14 payment, is less than \$50.00.

15 4.3 Within six months from the effective date of this order, Licensee must complete a  
16 professional boundaries course that has been pre-approved by the Board's Medical Director.

17 4.4 Licensee's acupuncture practice is subject to random, no notice chart audits and  
18 office visits by Board designees.

19 4.5 Licensee must inform the Compliance Section of the Board of any and all practice  
20 sites, as well as any changes in practice address(es), employment, or practice status within 10  
21 business days. Additionally, Licensee must notify the Compliance Section of any changes in  
22 contact information within 10 business days.

23 4.6 Licensee must obey all federal and Oregon state laws and regulations pertaining  
24 to the practice of acupuncture.

25 4.7 Licensee stipulates and agrees that any violation of the terms of this Order shall  
26 be grounds for further disciplinary action under ORS 677.190(17).

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1           4.8     Licensee stipulates and agrees that this Order becomes effective the date it is  
2 signed by the Board Chair.

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4           IT IS SO STIPULATED THIS 18 day of June, 2019.

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6   
7 TIMOTHY NICHOLAS NELSON, LAC

8  
9           IT IS SO ORDERED THIS 11th day of July, 2019.

10           OREGON MEDICAL BOARD  
11           State of Oregon

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13 K. DEAN GUBLER, DO  
14 BOARD CHAIR  
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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of

MARK CRAIG ROSE, MD  
LICENSE NO. MD14469

## 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. Mark Craig Rose, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On September 1, 2017, the Board opened an investigation after receiving information regarding Licensee's arrest in Linn and Benton Counties. On September 6, 2017, Licensee entered into an Interim Stipulated Order in which he voluntarily withdrew from practice and placed his license in Inactive status pending the completion of the Board's investigation.

3.

Licensee and the Board desire to settle this matter by the entry of this Stipulated Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (Oregon Revised Statutes chapter 183), 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 or dishonorable conduct, as defined in ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the medical profession; and ORS 677.190(6) conviction of any offense punishable by incarceration in a Department of Corrections institution or in a federal

/ / /

1 prison. Licensee understands that this Order is a public record and is a disciplinary action that is  
2 reportable to the National Practitioner Data Bank and the Federation of State Medical Boards.

3 4.

4 Licensee and the Board agree that the Board will close this investigation and resolve this  
5 matter by entry of this Stipulated Order, subject to the following conditions:

6 4.1 Licensee surrenders his Oregon medical license while under investigation.

7 4.2 The Interim Stipulated Order of September 6, 2017, terminates effective the date  
8 the Board Chair signs this Order.

9 4.3 Licensee must obey all Federal and Oregon State laws and regulations pertaining  
10 to the practice of medicine.

11 4.4 Licensee stipulates and agrees that any violation of the terms of this Order shall  
12 be grounds for further disciplinary action under ORS 677.190(17).

13 5.


14 This Order becomes effective the date it is signed by the Board Chair.

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16 IT IS SO STIPULATED this 5<sup>th</sup> day of June 2019.

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18   
19 MARK CRAIG ROSE, MD

20 IT IS SO ORDERED this 11<sup>th</sup> day of July 2019.

21  
22 OREGON MEDICAL BOARD  
23 State of Oregon

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25 K. DEAN GUBLER, DO  
26 Board Chair  
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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
KEVIN EARL SHERER, MD ) STIPULATED ORDER  
LICENSE NO. MD156626 )  
 )

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. Kevin Earl Sherer, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On April 29, 2019, the Board issued a Complaint and Notice of Proposed Disciplinary Action (Notice) in which the Board proposed taking disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), that may include the revocation of license, a \$10,000 civil penalty per violation, 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) any conduct, practice or condition which does or might adversely affect a physician's ability safely and skillfully to practice medicine; and ORS 677.190(7) impairment. Prior to the issuance of the Notice, on June 15, 2018, Licensee entered into an Interim Stipulated Order (ISO) with the Board in which he agreed to voluntarily withdraw from practice and place his license in Inactive status. Subsequent to Licensee's enrollment in the Health Professionals' Services Program, the Board terminated the ISO on February 7, 2019, and restored his license to Active status.

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



1 right to a contested case hearing and any appeal therefrom by the signing of and entry of this  
2 Order in the Board's records. Licensee neither admits nor denies, but the Board finds that he  
3 engaged in the conduct described in the Notice dated April 29, 2019, and that this conduct  
4 violated ORS 677.190(1)(a), as defined in ORS 677.188(4)(a); and ORS 677.190(7). Licensee  
5 understands that this Order is a public record and is a disciplinary action that is reportable to the  
6 National Practitioner Data Bank and the Federation of State Medical Boards.

7 4.

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

10 4.1 Licensee is reprimanded.

11 4.2 Licensee must remain enrolled and in good standing in the Health Professional's  
12 Services Program as outlined in his agreement with the Program.

13 4.3 Licensee must obey all federal and Oregon state laws and regulations pertaining  
14 to the practice of medicine.

15 4.4 Licensee stipulates and agrees that any violation of the terms of this Order shall  
16 be grounds for further disciplinary action under ORS 677.190(17).

17 4.5 Licensee stipulates and agrees that this Order becomes effective the date it is  
18 signed by the Board Chair.

19 IT IS SO STIPULATED THIS 14<sup>th</sup> day of June, 2019.

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21   
22 KEVIN EARL SHERER, MD

23 IT IS SO ORDERED THIS 14<sup>th</sup> day of July, 2019.

24  
25 OREGON MEDICAL BOARD  
26 State of Oregon

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28 K. DEAN GUBLER, DO  
BOARD CHAIR

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
BURTON LAWRENCE SILVERMAN, MD )  
LICENSE NO. MD19465 ) 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. Burton Lawrence Silverman, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On September 5, 2018, the Board opened an investigation after receiving credible information regarding Licensee's prescribing practices. On November 30, 2018, Licensee entered into an Interim Stipulated Order with the Board in which he agreed to limitations on his prescribing.

3.

Licensee and the Board desire to settle this matter by the entry of this Stipulated Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (Oregon Revised Statutes chapter 183), 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 or dishonorable conduct, as defined in ORS 677.188(4)(a); and ORS 677.190(24) prescribing controlled substances without following accepted procedures for examination of patients.

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1 Licensee understands that this Order is a public record and is a disciplinary action that is  
2 reportable to the National Practitioner Data Bank and the Federation of State Medical Boards.

3 4.

4 Licensee and the Board agree that the Board will close this investigation and resolve this  
5 matter by entry of this Stipulated Order, subject to the following conditions:

6 4.1 Licensee retires his Oregon medical license while under investigation.

7 4.2 The Interim Stipulated Order of November 30, 2018, terminates effective the date  
8 the Board Chair signs this Stipulated Order.

9 4.3 Licensee must obey all Federal and Oregon State laws and regulations pertaining  
10 to the practice of medicine.

11 4.4 Licensee stipulates and agrees that any violation of the terms of this Order shall  
12 be grounds for further disciplinary action under ORS 677.190(17).

13 5.

14 This Order becomes effective the date it is signed by the Board Chair.

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16 IT IS SO STIPULATED this 11 day of June 2019.

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19 BURTON LAWRENCE SILVERMAN, MD

20 IT IS SO ORDERED this 11th day of July 2019.

21  
22 OREGON MEDICAL BOARD  
23 State of Oregon

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25 K. DEAN GUBLER, DO  
26 Board Chair  
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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
PATRICK BEAUREGARD VON DIPPE, MD ) INTERIM STIPULATED ORDER  
LICENSE NO. MD27158 )  
 )

I.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain healthcare providers, including physicians, in the State of Oregon. Patrick Beauregard Von Dippe, 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 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 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(17).

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4.

At the conclusion of the Board's investigation, Licensee's status will be reviewed in an expeditious manner. Following that review, if the Board determines 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(1) and (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. However, as a stipulation this Order is a public document and is reportable to the National Practitioner Data Bank and the Federation of State Medical Boards.

6.


This Order becomes effective the date it is signed by the Licensee.

IT IS SO STIPULATED THIS 11 day of July, 2019.

  
PATRICK BEAUREGARD VON DIPPE, MD

IT IS SO ORDERED THIS 11 day of July, 2019.

State of Oregon  
OREGON MEDICAL BOARD

  
NICOLE KRISHNASWAMI, JD  
EXECUTIVE DIRECTOR

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of

PATRICIA LEIGH WHEELER, MD  
LICENSE NO. MD18322

}  
} CORRECTIVE ACTION AGREEMENT  
}

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. Patricia Leigh Wheeler, MD (Licensee) is a licensed physician (inactive status) in the State of Oregon.

2.

Licensee is a family practice physician who formerly practiced in Albany, Oregon. The Board opened an investigation after receiving a complaint regarding Licensee's prescribing practices.

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 Agreement is reportable to the National Practitioner 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 that the Board will close this investigation and reactivate Licensee's medical license to active status contingent upon Licensee agreeing to the following conditions:

4.1 Within 18 months of the effective date of this Agreement, Licensee agrees to complete an education plan that has been pre-approved by the Board's Medical Director. Licensee agrees that any changes to the plan must be approved in writing by the Board's Medical Director.

4.2 Licensee agrees to inform the Compliance Section of the Board of any and all practice sites, as well as any changes in practice address(es), employment, or practice status within 10 business days. Additionally, Licensee agrees to notify the Compliance Section of any changes in contact information within 10 business days.

4.3 Licensee agrees to 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 shall be grounds for disciplinary action under ORS 677.190(18).

IT IS SO AGREED this 28 day of June, 2019.

  
PATRICIA LEIGH WHEELER, MD

IT IS SO AGREED this 11th day of July, 2019.

OREGON MEDICAL BOARD  
State of Oregon

  
K. DEAN GUBLER, DO  
Board Chair

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of  
KEITH BARTON WILLIAMS, MD  
LICENSE NO. MD16928

}  
CORRECTIVE ACTION AGREEMENT  
}

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. Keith Barton Williams, MD (Licensee) is a licensed physician in the state of Oregon.

2.

The Board opened an investigation regarding Licensee's care and treatment of patients.

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. The Agreement is reportable to the National Practitioner Data Bank and the Federation of State Medical Boards.

4.

In order to address the concerns of the Board and for purposes of resolving this investigation, Licensee and the Board agree that the Board will close this investigation contingent upon Licensee agreeing to the following conditions:

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1           4.1     Within 30 days of the effective date of this Agreement, Licensee agrees to  
2     contract with CPEP for the development of an education plan. Licensee agrees to bear the cost  
3     of the completion of any CPEP recommendations, the development of an education plan, and any  
4     post-education evaluation. Licensee agrees to sign all necessary releases to allow full  
5     communication and exchange of documents and reports between the Board and CPEP. Licensee  
6     agrees to ensure CPEP submits the education plan and reports directly to the Board.

7           4.2     Licensee agrees to sign the appropriate paperwork indicating that he agrees to  
8     enroll in the education plan, and return the signed documents to CPEP within 15 days of  
9     approval of the educational plan by the Board's Medical Director. Licensee agrees to  
10    successfully complete the CPEP education plan, including any post-education evaluation, within  
11    18 months from the date the educational plan is approved. Licensee agrees to comply with any  
12    educational recommendations, practice modifications, and timelines set forth by CPEP. Licensee  
13    agrees to bear all costs associated with the approved education plan and any post-education  
14    evaluation. Any educational mentor must be pre-approved by CPEP and the Board's Medical  
15    Director. Licensee agrees to sign all necessary releases to allow full communication and  
16    exchange of documents and reports between the Board, CPEP, and any mentors. Licensee  
17    agrees to keep the Board apprised of his compliance with the CPEP education plan throughout its  
18    duration.

19          4.3     Licensee agrees to provide the Board with written proof from CPEP upon  
20    successful completion of the approved education plan, including successful completion of any  
21    post-education evaluation, as defined above.

22          4.4     Licensee agrees to inform the Compliance Section of the Board of any and all  
23    practice sites, as well as any changes in practice address(es), employment, or practice status  
24    within 10 business days. Additionally, Licensee agrees to notify the Compliance Section of any  
25    changes in contact information within 10 business days.

26          4.5     Licensee agrees to obey all federal and Oregon State laws and regulations  
27    pertaining to the practice of medicine.

1           4.6    Licensee agrees that any violation of the terms of this Agreement shall be grounds  
2 for disciplinary action under ORS 677.190(18).

3  
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5                   IT IS SO AGREED this 28 day of June, 2019.

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7                     
8                   KEITH BARTON WILLIAMS, MD

9                   IT IS SO AGREED this 11<sup>th</sup> day of July, 2019.

10                   OREGON MEDICAL BOARD  
11                   State of Oregon

12                     
13                   K. DEAN GUBLER, DO  
14                   Board Chair

BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of:

JASON ALEXANDER WILSON, AC  
APPLICANT

) DEFAULT FINAL ORDER

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including acupuncturists, in the State of Oregon. Jason Alexander Wilson, AC (Applicant) has applied for a license to practice acupuncture in the State of Oregon.

2.

On March 27, 2019, the Board sent to Applicant by regular and certified mail a Notice of Intent to Deny License Application (Notice). The certified mail return receipt indicated the Notice was received by “J. Wilson” on March 29, 2019. In the Notice, the Board proposed to take disciplinary action by denying Applicant’s license application to practice acupuncture in Oregon, and to impose up to the maximum range of potential sanctions identified in ORS 677.205(2), that may include a \$10,000 civil penalty per violation and assessment of costs, based upon violations of the Medical Practice Act, as follows: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the profession; ORS 677.190(8) fraud or misrepresentation in applying for a license to practice in this state; ORS 677.190(17) willfully violating a Board rule or any provision of the Medical Practice Act, specifically OAR 847-070-0015(2), OAR 847-070-0016(4)(b), and OAR 847-070-0045(4) and (5); ORS 677.190 (22) refusing an invitation for an informal interview with the Board; and OAR 847-070-0019(1) Interview and Examination. The Notice informed Applicant that if he failed to submit a request for hearing or failed to appear at a

1 scheduled hearing, the Board may issue a final order by default. Applicant did not request a  
2 hearing. As a result, Applicant has waived his right to a hearing and now stands in default. The  
3 Board elects in this case to designate the record of proceedings to date, which consists of  
4 Applicant's file with the Board as the record for purposes of proving a prima facie case, pursuant  
5 to ORS 183.417(4).

6 3.

7 **FINDINGS OF FACT**

8 Oregon Administrative Rule (OAR) 847-070-0015(1), (2) and (4)(c) state that failing to  
9 satisfactorily complete an application, false documentation, and conduct by an applicant similar  
10 to that which is prohibited by ORS 677.190 are grounds for denial of licensure. The Oregon  
11 Association of Acupuncture and Oriental Medicine (OAAOM) has published a Code of Ethics in  
12 which Rule 2.2 states in part that when applying for licensure with a state, the practitioner shall  
13 set forth honestly and fully all information requested. Applicant's acts and conduct that  
14 constitute the basis to deny this license application follow:

15 3.1 Applicant was formerly licensed as an acupuncturist in the State of Colorado from  
16 April 19, 2006 – December 31, 2007. Applicant has not subsequently practiced as a licensed  
17 acupuncturist. As a result, Applicant must comply with the requirements of OAR 847-070-  
18 0045(4) and (5), and has been informed that he is required to submit a re-entry plan for review.  
19 Applicant failed to comply with the requirements of OAR 847-070-0045(4) and (5), to include  
20 failing to submit a re-entry plan, even after multiple requests from staff from the Licensing and  
21 Investigations Sections on behalf of the Board.

22 3.2 Applicant submitted an application for licensure with the Board on or about  
23 July 21, 2017. Question #6 of the application asked: "Have you ever been arrested, convicted  
24 of, or pled guilty or 'nolo contendere' (no contest) to ANY offense in any state in the United  
25 States or any foreign country, other than minor traffic violations? Matters in which you were  
26 pardoned and/or diverted, or the conviction was deferred, set aside or expunged must be  
27 disclosed." Applicant disclosed on his application that he had been arrested in Larimer County,

1 Colorado, for Driving While Ability Impaired in July 2006. Applicant failed to disclose that in  
2 August 1999 he had been arrested in Boulder County, Colorado for Physical Harassment,  
3 Obstructing a Peace Officer or Fire Fighter, and Use of Fighting Words. Applicant additionally  
4 failed to disclose that in September 1999 he had been arrested in Boulder County, Colorado, for  
5 Assault.

6 3.3 Pursuant to ORS 677.320(5) and ORS 677.415(9), the Board requested Applicant  
7 to appear for an interview with members of the Board's Investigative Committee on August 2,  
8 2018. Applicant stated "I consider that my application has expired on July 21, 2018," despite  
9 that he had never been informed by the Board that his application had expired. The Board did  
10 not excuse Applicant's absence and he subsequently failed to appear for the interview.

11 4.

12 **CONCLUSIONS OF LAW**

13 Based upon its examination of the record in this case, the Board finds that the acts and  
14 conduct of Applicant described above are supported by reliable, probative and substantive  
15 evidence and violate the Medical Practice Act, as set forth below:

16 4.1 Applicant's failure to comply with OAR 847-070-0045(4) and (5) constitutes  
17 unprofessional conduct, a violation of ORS 677.190(1)(a) unprofessional or dishonorable  
18 conduct, as defined in ORS 677.188(4)(a) conduct contrary to recognized standards of ethics of  
19 the profession; and ORS 677.190(17) willfully violating a Board rule, specifically OAR 847-  
20 070-0045 Re-Entry to Practice. Additionally, Applicant's failure to comply with the Board's  
21 rule constitutes a basis to deny his application for licensure, OAR 847-070-0015(4)(c).

22 4.2 Applicant's failure to disclose arrests as identified in paragraph 3.2 above is  
23 grounds for denial of licensure or disciplinary action, OAR 847-070-0015(2), and constitutes  
24 unprofessional or dishonorable conduct, in violation of ORS 677.190(1)(a), as defined in ORS  
25 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the  
26 profession; and is in violation of ORS 677.190(8) fraud or misrepresentation in applying for a  
27 license to practice in this state. Furthermore, Applicant's submission of false documentation

reflects moral turpitude that casts substantial doubts about his honesty, in violation of OAR 847-070-0016(4)(b), which subjects Applicant to denial of licensure or disciplinary action, OAR 847-070-0015(1).

4.3 Applicant's failure to appear for an interview violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) conduct contrary to recognized standards of ethics of the profession; ORS 677.190(17) willfully violating a Board rule or any provision of the Medical Practice Act, specifically OAR 847-070-0019(1) Interview and Examination; and ORS 677.190(22) refusing an invitation for an informal interview with the Board.

5.

### ORDER

IT IS HEREBY ORDERED THAT the license application of Jason Alexander Wilson, AC, to practice acupuncture in the State of Oregon is denied and Applicant is issued a civil penalty of \$5,000, payable within 60 days from the date this Order is signed by the Board Chair.

DATED this 11<sup>th</sup> day of July, 2019.

OREGON MEDICAL BOARD  
State of Oregon

  
K. DEAN GUBLER, DO  
BOARD CHAIR

### Right to Judicial Review

**NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.482. If this Order was personally delivered to you, the date of

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1 service is the day it was mailed, not the day you received it. If you do not file a petition for  
2 judicial review within the 60 days' time period, you will lose your right to appeal.

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