



# Oregon Medical Board

omb.oregon.gov

971-673-2700

## OMB Guideline Workgroup Agenda

Monday, August 10, 2026 at 5:00PM, Videoconference

### [Join Zoom Meeting](#)

Meeting ID: 165 331 6088

Passcode: h%Pen@5HFh

Phone: 669-254-5252

Meeting ID: 165 331 6088

Passcode: 2241851123

### 1. Call to Order, Roll Call, and Introductions – *Dr. Taksali (5:00-5:05PM)*

Tim Beals, DO, OPSO Representative

Mark Bonanno, OMA Representative

Troy Bundy, Attorney Representative

Molly Marcum, Attorney Rep.

Connie McKelvey, Attorney Representative

Chere Pereira, Public Representative

David Cook, MD, OMB Member

Sudeep Taksali, MD, OMB Member, Chair

Valerie Harmon (OPSC), Systems Rep., absent by prior notice.

### 2. Background and Context – *Sudeep Taksali, MD, Workgroup Chair (5:05-5:10PM)*

Meeting Purpose: Review the [draft report Analyzing Board Actions for Consistency](#), consider public comment, and develop recommendations on the draft report and/or suggest amendments to the OMB Disciplinary Guidelines.

### 3. Presentation of Draft Report – *OMB Staff (5:10-5:20PM)*

Key findings:

- All 24 outcomes consistent with the Disciplinary Guidelines
- Overall consistency of action type, terms, and application of aggravating/mitigating factors
- Context for the 15 Stipulated Orders where the licensee no longer practices (retirement, surrender, or withdrawal while under investigation)

### 4. Public Comment – *Dr. Taksali (5:20-5:35PM)*

*If a member of the public would like to provide oral remarks, during this time please raise your virtual hand and wait to be recognized. When called upon, please state your name and organization for the record. We have about 15 minutes for public comment, and we ask that you limit your remarks to 2-3 minutes each.*

### 5. Workgroup Review & Discussion (5:35-6:20PM)

- General feedback and suggested amendments on the analysis and draft report



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- Draft Recommendation 1, Prior Corrective Action Agreements: Add a time limit for considering prior CAAs as a disqualifying factor to resolve a new matter with a CAA
- Draft Recommendation 2, Impairment While Practicing: Clarify that impairment while practicing medicine requires resolution by Stipulated Order, not a CAA
- Draft Recommendation 3, Unlicensed Practice of Medicine: Add a reference to unlicensed practice, currently absent from the Guidelines
- Other suggested amendments to the OMB Disciplinary Guidelines

### **6. Closing Discussion – Dr. Taksali (6:20-6:30PM)**

Workgroup members will provide closing thoughts, and the Workgroup Chair will summarize the meeting discussion and next steps.

- Staff will update the draft
- Administrative Affairs Committee review: September 9, 2026
- Full Board consideration and possible approval: October 1, 2026

### **Resources (click on links to access)**

- [Draft Report: Analyzing Board Actions for Consistency](#)
- [OMB Disciplinary Guidelines \(adopted April 3, 2025\)](#)
- [Analyzing Board Actions Procedure](#)
- [Oregon Medical Board Audit, January 2024](#)

### **Questions about the report, workgroup, or comments may be emailed to:**

Elizabeth Ross, Legislative & Policy Analyst at [elizabeth.ross@omb.oregon.gov](mailto:elizabeth.ross@omb.oregon.gov).

For information on attending meetings or to request accommodations, contact Gretchen Kingham, Executive Assistant, [gretchen.kingham@omb.oregon.gov](mailto:gretchen.kingham@omb.oregon.gov) or (971) 673-2700.



Oregon Medical Board

# Analyzing Board Actions for Consistency

DRAFT June 3, 2026

## Executive Summary

The Oregon Medical Board is committed to fair and consistent case outcomes. Discipline must be proportionate to the severity of each violation, considering aggravating and mitigating factors. Similar violations under similar circumstances should produce similar outcomes, and any departure from established patterns must be justified.

The Board adopted [OMB Disciplinary Guidelines](#) in April 2025 and will conduct an annual review of case resolutions to evaluate whether the outcomes are within the guidelines. Consistent outcomes and a transparent review process uphold the trust of licensees and the public.

This is the first annual analysis of Board Actions. A review of the 24 Board actions issued between July 2025 and April 2026 (4 Corrective Action Agreements, 20 Stipulated Orders, and no Final Orders) found case outcomes to be consistent with the OMB Disciplinary Guidelines. Every case was resolved with the correct action type based on the facts and aggravating and mitigating factors. Outcomes that include license relinquishment are not limited to Board-ordered revocations; they include voluntary retirements, surrenders, and application withdrawals made while under investigation.

This first annual review identified two needed clarifications to the Disciplinary Guidelines regarding prior Corrective Action Agreements and impairment while practicing medicine.

## Background

In April 2023, the Oregon Secretary of State opened an audit of the Board's [disciplinary process](#) to assess the consistency of its decisions. The findings were released in January 2024 in, [To Protect Patients and Maintain Public Trust, the Oregon Medical Board Should Further its Efforts to Address the Risk of Inequitable Disciplinary Decisions](#). The report set out recommendations to implement sanctioning guidelines, categorize cases, develop a written procedure, and conduct reviews of past cases to establish ongoing analysis of consistency in Board actions.

*Implement Sanctioning Guidelines.* OMB staff reviewed investigative guidance from peer state medical boards and other organizations. The Board also hired a graduate intern in biostatistics to conduct a five-year retrospective review of investigative case outcomes. Drawing on this work, staff drafted an initial guidelines document. In August 2024, the Board convened a workgroup that included licensee attorneys, patient-safety advocates, professional associations, members of the public, and Board members. The workgroup held public meetings to refine the draft, and its recommendations were reviewed by the Administrative Affairs Committee and the full Board throughout the process. The [OMB Disciplinary Guidelines](#) were adopted on April 3, 2025.

*Categorize Cases.* Staff created a statutory violation field in the agency's database that is populated by the Executive Director, in consultation with the Assistant Attorney General and the Investigations Manager, and allows designation of a primary and secondary statutory violation. Data collection began with Board actions taken at the meeting on July 10, 2025.

*Develop Written Procedure.* Board staff developed a [written procedure](#) for analyzing disciplinary decisions for equity and consistency, effective January 1, 2026.

*Conduct Review of Past Cases.* Applying the written procedure, the analysis below covers Board action decisions over a one-year period from Board meetings held between July 2025 and April 2026.

## Prior Case Analysis

### *Categorization of Actions and Violations*

Between July 2025 and April 2026 and the Board issued 24 actions: 4 Corrective Action Agreements, 20 Stipulated Orders, and 0 Final Orders.

The following Primary and Secondary violations gave rise to the 24 actions:

| <b>Statutory Violation</b>                                                         | <b>#1</b> | <b>#2</b> |
|------------------------------------------------------------------------------------|-----------|-----------|
| 677.190(13)(b): Repeated Negligence                                                | 7         | 4         |
| 677.190(17)(c): Violation of Board Order                                           | 4         | 1         |
| 677.190(13)(a): Gross Negligence                                                   | 2         | 2         |
| 677.190(24): Prescribing Controlled Substances w/o Accepted Medical Purpose        | 2         | 0         |
| 677.190(7): Impairment                                                             | 2         | 1         |
| 677.190(1)(a), 677.188(4)(a)(i): Unethical Conduct                                 | 1         | 2         |
| 677.190(1)(a), 677.188(4)(a)(ii): Conduct Danger to the Health or Safety of Public | 1         | 2         |
| 677.190(1)(a), 677.188(4)(a)(iii): Impairing Condition                             | 1         | 0         |
| 677.190(1)(a), 847-010-0073(3)(b)(F)(ii): Sexual Misconduct/Impropriety            | 1         | 1         |
| 677.190(17)(a): Violation of Statute                                               | 1         | 0         |
| 677.190(6): Conviction of an Offense Punishable by Incarceration                   | 1         | 0         |
| 677.190(8): Fraud or Misrepresentation in Procuring Licensure                      | 1         | 1         |
| 677.190(17)(b): Violation of Board Rule                                            | 0         | 1         |
| 677.100(1)(c): Failure to Meet the Qualifications for a License                    | 0         | 1         |

### *Consistency of Outcomes – Type of Action*

The four Corrective Action Agreements mostly met the Disciplinary Guidelines' eight criteria for non-disciplinary, remedial agreements. One outlier was a Corrective Action Agreement issued to a licensee who had a prior Corrective Action Agreement for a similar violation more than seventeen years ago. The Disciplinary Guidelines do not specify a time limit on prior Board actions for the same/similar concerns.

All of the 20 Stipulated Orders were appropriately resolved with disciplinary action. None of the Stipulated Orders met the eight criteria for resolution by a Corrective Action Agreement. In addition, eight of the cases reviewed included violations of sexual misconduct, criminal activity, non-compliance (with Board orders, investigations, or interviews), or failure to qualify for licensure; all eight were resolved with a Stipulated Order in keeping with the Disciplinary

Guidelines which state that these violations may only be resolved with disciplinary action (not remediation).

### *Consistency of Outcomes – Terms*

The terms of each Agreement or Order were consistent with the terms outlined in the Disciplinary Guidelines.

The four Corrective Action Agreements all required educational coursework; three also required the licensee to engage in formal mentorship or general collegial support. If the facts of the case involved prescribing, the Corrective Action Agreement also required adherence to the Centers for Disease Control and Prevention (CDC) Guidelines or no-notice chart audits by the Board.

Of the 20 Stipulated Orders, 15 (75%) resulted in the licensee relinquishing their license or an applicant not being granted a license. Under the OMB Disciplinary Guidelines, many of these cases could have been resolved with less severe outcomes, such as suspension, probation, practice limitations, or civil penalties. In each instance, however, the licensee or applicant chose to end the investigation by indicating they preferred to retire or surrender their license while under investigation. Conversely, no case appeared to receive a less severe outcome than the facts warranted.

The remaining five Stipulated Orders, in which the licensee continued to practice, all fell within the OMB Disciplinary Guidelines for appropriate discipline.

- Two Orders required participation in the Health Professionals' Services Program (HPSP), a monitoring program designed to ensure safe practice for those with impairing substance use or mental health conditions, based on a finding of impairment while practicing medicine.
- Two Orders imposed \$10,000 civil penalties and a structured educational plan for findings of repeated acts of negligence in the practice of medicine
- One Order imposed a \$5,000 civil penalty and reprimand for violating the statutory prohibition on contacting the complainant in an investigation.

### *Analysis of Deviations*

Across the 24 cases, the Board did not deviate from the outcomes provided by the OMB Disciplinary Guidelines. As noted above, in 15 Stipulated Orders where the licensee no longer practices or, in the case of an applicant, was not granted a license, the outcome may have been more severe than the Guidelines alone would have indicated. In each of these cases, the file includes documentation that the licensee chose to retire or surrender their license, or to withdraw an application, while under investigation. These outcomes therefore reflect the licensee's own decision to exit practice rather than a Board-imposed sanction beyond what the Guidelines provide.

### *Consistency of Applying Aggravating and Mitigating Factors*

To assess consistency, each of the 24 case files was reviewed against the aggravating and mitigating factors described in the Disciplinary Guidelines. For every case, staff identified which factors were documented in the order or in the supporting record and compared their application across cases with similar underlying violations. Across all cases, the aggravating and mitigating factors were applied consistently, and no instance was identified in which a comparable fact pattern produced a materially different outcome.

### *Recommended Revisions to the Disciplinary Guidelines*

Three clarifications to the Disciplinary Guidelines are recommended:

1. **Prior Corrective Action Agreements.** Clarify if there is a time limit for prior Corrective Action Agreements to disqualify a licensee from resolving a new matter through a Corrective Action Agreement.
2. **Impairment While Practicing.** Clarify that when a licensee was impaired while practicing medicine, the matter must be resolved through a Stipulated Order rather than a Corrective Action Agreement, because disciplinary action is required.
3. **Unlicensed Practice of Medicine.** Although not at issue in the current set of cases reviewed, the Guidelines do not include a reference to the unlicensed practice of medicine.

## Prior Case Data

| Corrective Action Agreements                              | Agreement Outcome                                 | Corrective Action Agreement Criteria |                                               |                          |                                      |               |                                                  |                                                             |                       |
|-----------------------------------------------------------|---------------------------------------------------|--------------------------------------|-----------------------------------------------|--------------------------|--------------------------------------|---------------|--------------------------------------------------|-------------------------------------------------------------|-----------------------|
|                                                           |                                                   | Minor Violation                      | Not Long-term Pattern of Substandard Practice | No Prior Board Actions   | Can be Corrected through Remediation | Not Malicious | Resolution does not Restrict Licensee's Practice | No Reprimand or Fine for Unethical or Inappropriate Conduct | Not Sexual Misconduct |
| 1. Prescribing controlled substances/Repeated Negligence  | Educational Courses, Mentor, Adopt CDC Guidelines | ✓                                    | ✓                                             | Prior CAA Closed in 2008 | ✓                                    | ✓             | ✓                                                | ✓                                                           | ✓                     |
| 2. Prescribing controlled substances/Repeated Negligence. | Educational Courses, Mentor, No Notice Adults     | ✓                                    | ✓                                             | ✓                        | ✓                                    | ✓             | ✓                                                | ✓                                                           | ✓                     |
| 3. Repeated Negligence                                    | Educational Courses                               | ✓                                    | ✓                                             | ✓                        | ✓                                    | ✓             | ✓                                                | ✓                                                           | ✓                     |
| 4. Gross/Repeated Negligence                              | Educational Courses, Collegial Supports           | ✓                                    | ✓                                             | ✓                        | ✓                                    | ✓             | ✓                                                | ✓                                                           | ✓                     |

| Stipulated Orders<br>Primary & Secondary Violations                                                                                    | Order Terms                              | Not CAA Reason                             | Aggravating/Mitigating Factors                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. 677.190(13) Repeated Negligence                                                                                                     | \$10,000 fine, CPEP education, Preceptor | Consistent pattern of substandard practice | Mental health provider whose documentation practices consistently lacked information on medical decision making or treatment plans; conduct posed potential danger to the health and safety of patients including the prescribing or psychiatric medications that may be contraindicated; vulnerable patients. No prior history of discipline; no indication of malice. |
| 6. 677.190(13) Repeated Negligence, 677.190(13) Gross Negligence                                                                       | \$10,000 fine, CPEP education            | Prior Board Action                         | Prior Stipulated Order; actual or potential harm to patients; disregard for patient wellbeing; practicing outside the scope of training and specialty; pattern of negligent medical decision making and inadequate follow-up care for complications.                                                                                                                    |
| 7. 677.190(13) Repeated Negligence, 677.190(1)(a) Conduct which does or might pose a Danger to Health or Safety of Patients and Public | Surrender, never reapply                 | Consistent pattern of substandard practice | Vulnerable patient population; disregard for patient wellbeing, including inability to justify the care provided or psychiatric medications prescribed via telemedicine; indifference to Oregon medical regulation; failure to take accountability; failure to demonstrate competency to practice medicine. Licensee requested to surrender as quickly as possible.     |
| 8. 677.190(13) Repeated Negligence, 677.190(17) Violation of statute (informed consent)                                                | Retire under investigation               | Prior Board Action                         | Licensee has extensive experience in the practice of medicine; requested to retire; already retired and has no intention of returning to practice. No evidence of malice; Licensee demonstrated accountability.                                                                                                                                                         |

| <b>Stipulated Orders</b><br>Primary & Secondary Violations                                                                                                     | <b>Order Terms</b>                                                                                      | <b>Not CAA Reason</b>                                   | <b>Aggravating/Mitigating Factors</b>                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>9. 677.190(13) Repeated Negligence, 677.190(17) Violation of Board Order</b>                                                                                | Surrender under investigation                                                                           | Non-Compliance with Board Order                         | Violation of current CAA; Licensee requested to surrender under investigation; no intention of returning to practice in Oregon.                                                                                                                                                        |
| <b>10. 677.190(13) Repeated Negligence</b>                                                                                                                     | Retire under investigation                                                                              | Licensee request to retire in lieu of the investigation | Licensee has extensive experience in the practice of medicine; requested to retire; did not attempt to renew his OMB license.<br>No evidence of malice; Licensee self-reported to the OMB.                                                                                             |
| <b>11. 677.190(17) Violation of Board Order</b>                                                                                                                | Revocation; never reapply                                                                               | Non-Compliance with Board Order                         | Licensee had extensive experience in the practice of medicine; placed in a position of power and authority over other physicians; exploited the power differential over trainees; failed to cooperate with the investigation and refused to participate in a Board-ordered evaluation. |
| <b>12. 677.190(17) Violation of Board Order</b>                                                                                                                | Surrender under investigation; demonstrate competency, monitoring program, and re-entry plan to reapply | Non-Compliance with Board Order                         | Noncompliance with prior Board Order; Licensee request to surrender under investigation.                                                                                                                                                                                               |
| <b>13. 677.190(17) Violation of Board Order, 677.190(1)(a) Conduct or Practice which does or might pose a Danger to Health or Safety of Patients or Public</b> | Retire under investigation, agree to never reapply                                                      | Non-Compliance w/ Board Order                           | Noncompliance with prior Board Order; pattern of behavior; Licensee request to retire under investigation.                                                                                                                                                                             |
| <b>14. 677.190(17) Violation of Board Order</b>                                                                                                                | Retire under investigation                                                                              | Non-Compliance w/ Board Order                           | Prior Board Order (2016); Licensee's personal factors include a possible medical condition.                                                                                                                                                                                            |
| <b>15. 677.190(13) Gross Negligence, 677.190(1)(a) Conduct Contrary to Recognized Standards of Ethics</b>                                                      | Retire under investigation, agree to never reapply, reprimand                                           | Sexual Misconduct<br><br>Vulnerable patient             | Repeated acts of gross negligence, sexually coded communications, inappropriate boundaries, vulnerable patient, pattern of similar conduct.                                                                                                                                            |
| <b>16. 677.190(7) Impairment, 677.190(1)(a) Conduct Which Does/Might Impair Practice</b>                                                                       | HPSP Enrollment                                                                                         | Impairment in practice                                  | No prior history of discipline; evidence of remorse and accountability.                                                                                                                                                                                                                |

| <b>Stipulated Orders</b><br>Primary & Secondary Violations                                                              | <b>Order Terms</b>                  | <b>Not CAA Reason</b>                             | <b>Aggravating/Mitigating Factors</b>                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17. 677.190(7) <b>Impairment, 677.190(1)(a) Conduct Which Does/Might Impair Practice</b>                                | HPSP<br>Enrollment,<br>reprimand    | Impairment<br>in practice                         | No prior history of discipline; evidence of resistance or defensiveness.                                                                                                                                             |
| 18. 677.190(1)(a) <b>Conduct Contrary to Recognized Standards of Ethics, 677.190(13) Repeated Negligence</b>            | Revocation,<br>\$10,000 fine        | Prior Board<br>Action<br><br>Sexual<br>Misconduct | Prior Board action for similar conduct; multiple investigations resolved with one order; Licensee's personal factors include fitness to practice.                                                                    |
| 19. 677.190(1)(a) <b>Conduct Dangerous to Health or Safety</b>                                                          | Agree to not<br>renew or<br>reapply | Prior Board<br>Action                             | Prior discipline; request to never practice in Oregon again.                                                                                                                                                         |
| 20. 677.190(1)(a) <b>Conduct which Does or Might Impair Practice, 677.190(24) Inappropriate Prescribing</b>             | Surrender<br>under<br>investigation | Request to<br>surrender                           | No prior history of discipline.                                                                                                                                                                                      |
| 21. 677.190(1)(a) <b>Sexual Misconduct</b>                                                                              | Retire under<br>investigation       | Sexual<br>Misconduct                              | No prior history of discipline.                                                                                                                                                                                      |
| 22. 677.190(17) <b>Violation of ORS 677.320, 677.190(17) Violation of OAR 847-001-0024</b>                              | Reprimand,<br>\$5,000 fine          | Prior Board<br>Action                             | Prior discipline; willfulness of actions.                                                                                                                                                                            |
| 23. 677.190(6) <b>Conviction of an Offense Punishable by Incarceration, 677.190(24) Inappropriate Prescribing</b>       | Surrender<br>under<br>investigation | Criminal<br>Activity                              | Multiple felony convictions with a nexus to the practice of medicine; failure to self-report under ORS 676.150(3).<br>No prior history of discipline.                                                                |
| 24. 677.190(8) <b>Fraud or Misrepresentation in Procuring Licensure, 677.100(1)(c) Failure to Qualify for Licensure</b> | Withdraw in<br>Lieu of<br>Denial    | Failure to<br>Qualify for<br>Licensure            | Failed to disclose a malpractice claim on application; declined the offer to withdraw the application; denied accountability.<br>Agreed to withdraw under investigation without requesting a contested case hearing. |



## Oregon Medical Board

# Disciplinary Guidelines

These guidelines aim to promote consistency in the Oregon Medical Board's (OMB) case resolutions for violations of the Medical Practice Act (ORS chapter 677) and other state and federal laws pertaining to the practice of medicine, podiatry, and acupuncture. These guidelines are for reference only and are not binding on the OMB. The individual facts and unique circumstances of each case will inform the final outcome.

### **When the Board alleges a violation(s) of the Medical Practice Act, it must determine whether to issue remediation or discipline:**

Corrective Action Agreements (CAAs) are formal, public, but non-disciplinary agreements between the Board and a licensee designed to modify, monitor, or otherwise correct an identified problem. A CAA is an appropriate resolution when all of the following criteria are met:

- The Board alleges only minor violation(s) of the Medical Practice Act, such as administrative or discrete, single-issue violations;
- Actual or potential patient harm does not represent a long-term pattern of substandard practice;
- The licensee has not been subject to a prior Board action for the same/similar concerns;
- The concerns identified may be corrected through remediation;
- The licensee's actions were not malicious (e.g. taking advantage of vulnerable patients or exploiting the provider-patient relationship);
- The resolution does not require a restriction of the licensee's practice;
- The resolution does not require a reprimand or fine for unethical or inappropriate conduct; and
- The matter does not involve sexual misconduct.

Stipulated Orders (SOs) are formal, public, disciplinary actions that are utilized when the Board finds a violation(s) of the Medical Practice Act. A SO is an appropriate resolution when any of the following apply:

- The conduct involves actual or potential serious patient harm, a pattern of negligence over time, or a willful disregard for the patient(s);
- The Board had prior concerns about the same/similar conduct by the licensee;
- The concerns cannot be remediated through coursework alone; instead, a practice limitation is needed to ensure patient safety;
- The licensee exploited a power differential or took advantage of a patient;
- The resolution involves a reprimand or fine;
- The resolution involves surrender or forfeiture of a license to practice; or
- The Board finds sexual misconduct.

### **In determining the specific terms of the Agreement or Order, the Board considers mitigating and aggravating factors, which may carry different weight based on the facts of the case, including but not limited to:**

- Actual or potential harm to patient(s)
- Level of danger to the public
- Nexus to practice
- History of similar conduct (i.e., pattern)
- Complaint and discipline history (i.e., recidivism)
- Competency to practice within standard of care
- Concurrent findings of unprofessional conduct & negligence
- Willfulness or malice
- Availability of resources at time of conduct
- Environmental factors in the facility or workplace
- Patient factors (vulnerability, complexity, difficulty to manage)
- Licensee's personal factors (e.g., practice experience, medical conditions, etc.)
- Evidence of resistance and defensiveness
- Evidence of remorse and accountability
- Efforts toward self-remediation or corrective action
- Cooperation with investigation

| Statute References                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | No Violation                                                                                                                                                                                                              | Remediation or Discipline                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Unprofessional Conduct</b><br/> 677.190(1)(a), 677.188(4)(a)<br/> <i>conduct/practice contrary to recognized standards of ethics</i><br/> 677.190(1)(a), 677.188(4)(a)<br/> <i>conduct/practice which does or might constitute a danger to the health/safety of a patient or public</i><br/> 677.190(1)(a), 677.188(4)(b)<br/> <i>willful performance of any treatment contrary to medical standards</i><br/> 677.190(1)(a), 677.188(4)(c)<br/> <i>willful and repeated unnecessary test/treatment, using outdated or unscientific treatment, failing to obtain consultations, inappropriate or unnecessary medical services</i><br/> <br/> (see also, Negligence)</p> | <p><b>Close:</b> no action<br/> <b>Letter of Concern:</b><br/> identifying an area for improvement in an area of practice, may include suggestion on specific courses or other training.</p>                              | <p><b>Corrective Action Agreement:</b></p> <ul style="list-style-type: none"> <li>• follow specific practice guidelines</li> <li>• educational courses (e.g. communication, professionalism, ethics, practice area, etc.)</li> <li>• clinical assessment and educational plan (e.g. CPEP)</li> </ul> <p><b>Stipulated Order</b> (may include CAA remedial terms +):</p> <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• practice limitation</li> <li>• practice site approval</li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul> |
| <p><b>Unprofessional Conduct, Sexual Misconduct</b><br/> 677.190(1)(a), 847-010-0073(3)(b)(F)(i) <i>sexual misconduct/violation</i><br/> 677.190(1)(a), 847-010-0073(3)(b)(F)(ii) <i>sexual misconduct/impropriety</i><br/> <br/> Notice of Proposed Discipline and SO will include the term "sexual misconduct."</p>                                                                                                                                                                                                                                                                                                                                                        | <p><b>Close:</b> no action<br/> <b>Letter of Concern (if no finding of sexual misconduct):</b> identifying an area for improvement in an area of practice, may include suggestion specific courses or other training.</p> | <p><b>Stipulated Order:</b></p> <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• case-specific terms:</li> <li>• practice limitations (e.g. female patients, solo practice, etc.)</li> <li>• require medical chaperones</li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul>                                                                                                                                                                                                                                                        |
| <p><b>Negligence</b><br/> 677.190(13) <i>Gross negligence</i><br/> 677.190(13) <i>Repeated negligence</i><br/> <br/> (see also, Unprofessional Conduct)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><b>Close:</b> no action<br/> <b>Letter of Concern:</b><br/> identifying an area for improvement in an area of practice, may include suggestion on specific courses or other training.</p>                              | <p><b>Corrective Action Agreement:</b></p> <ul style="list-style-type: none"> <li>• follow specific practice guidelines</li> <li>• educational courses (e.g. specific practice area)</li> <li>• clinical assessment and educational plan (e.g. CPEP)</li> <li>• practice mentor</li> </ul> <p><b>Stipulated Order</b> (may include CAA remedial terms +):</p> <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• practice limitation</li> <li>• practice site limitation</li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul>         |

| Statute References                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No Violation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Remediation or Discipline                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p><b>Inappropriate Prescribing/Authorizing of Substances</b><br/> 677.190(24) <i>Prescribing controlled substances without legitimate purpose, appropriate exam, or record keeping</i><br/> 677.190(23) <i>Violation of Controlled Substances Act</i><br/> 677.190(25) <i>Authorizing medical marijuana without legitimate purpose, appropriate exam, or record keeping</i><br/> (see also, Negligence)</p>                                                                                                                                                                  | <p><b>Close:</b> no action<br/> <b>Letter of Concern:</b> identifying an area for improvement in an area of practice, may include suggestion on specific courses or other training, improved documentation or record keeping, improved patient counseling, etc.</p>                                                                                                                                                                                                                                            | <p><b>Corrective Action Agreement:</b></p> <ul style="list-style-type: none"> <li>• follow specific practice guidelines</li> <li>• educational courses related to appropriate prescribing</li> <li>• clinical assessment and educational plan (e.g. CPEP)</li> <li>• practice mentor</li> </ul> <p><b>Stipulated Order</b> (may include CAA remedial terms +):</p> <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• practice/prescribing limitation</li> <li>• practice site limitation</li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul> |
| <p><b>Impairment (Substance or Health Condition) or HPSP Non-compliance</b><br/> 677.190(1)(a), 677.188 (4)(a)(iii) <i>any conduct, practice or condition which does or might impair a physician's ability safely and skillfully to practice medicine or podiatry</i><br/> 677.190(7) <i>Impairment, inability to practice with reasonable competence and safety due to habitual or excessive use of drugs or alcohol, other chemical dependency, or mental health condition</i><br/> 677.190(14) <i>Incapacity to practice</i><br/> 676.200(3) <i>HPSP noncompliance</i></p> | <p><b>Close:</b> no action<br/> <b>Letter of Concern:</b> confidential letter stating OMB is concerned about the licensee's wellbeing.<br/> <b>Presumptive Letter of Concern for DUII if:</b><br/> ✓ First or second incident in 3 years<br/> ✓ Blood alcohol less than 0.15<br/> ≠ Nexus to the licensee's practice<br/> ≠ Alcoholism/dependence diagnosis<br/> ≠ Prior, recent history of DUII<br/> ≠ Significant property damage<br/> ≠ Children were in the vehicle<br/> ≠ A person suffered an injury</p> | <p><b>Corrective Action Agreement:</b></p> <ul style="list-style-type: none"> <li>• maintain care with provider</li> <li>• enrollment in a monitoring program (e.g. HPSP)</li> </ul> <p><b>Stipulated Order</b> (may include CAA remedial terms +):</p> <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• practice limitation</li> <li>• practice site limitation</li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul>                                                                                                                        |
| <p><b>Criminal Activity</b><br/> 677.190(6) <i>conviction of an offense punishable by incarceration</i><br/> 677.190(19) <i>Imprisonment</i> (677.225)</p>                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Not Applicable</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>Stipulated Order:</b></p> <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• practice limitation</li> <li>• practice site limitation</li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                |

| Statute References                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | No Violation                                                                                                                                                                | Remediation or Discipline                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Fraud/Misrepresentation in Practice</b><br>677.190(3) <i>Representing that incurable condition can be cured</i><br>677.190(4) <i>Obtaining fee by fraud or misrepresentation</i><br>677.190(5) <i>Divulging a professional secret</i><br>677.190(9) <i>False statements regarding skill or efficacy</i><br>677.190(10) <i>Impersonating another licensee</i><br>677.190(12) <i>Untruthful use of medical titles in advertising</i><br>677.190(16) <i>Failing to designate license degree</i><br>677.190(20) <i>Fraudulent claim</i><br>441.098 <i>self-referral without informing the patient (Stark Law)</i> | <b>Close:</b> no action<br><b>Letter of Concern:</b> identifying an area for improvement in an area of practice, may include suggestion specific courses or other training. | <b>Corrective Action Agreement:</b> <ul style="list-style-type: none"> <li>• follow specific practice guidelines</li> <li>• educational courses (e.g. ethics, professionalism, specific practice area, etc.)</li> </ul> <b>Stipulated Order</b> (may include CAA remedial terms +): <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• practice limitation (e.g. supervising other personnel)</li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul> |
| <b>Non-compliance with Board Order, Investigation, or Interview</b><br>677.190(17) <i>Violation of Board Order</i><br>677.190(22) <i>Refusing informal interview</i>                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Not Applicable</b>                                                                                                                                                       | <b>Stipulated Order:</b> <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• case-specific terms: <ul style="list-style-type: none"> <li>-follow specific guidelines</li> <li>-educational courses</li> <li>-practice limitation</li> <li>-practice site limitation</li> <li>-clinical assessment and educational plan (e.g. CPEP)</li> </ul> </li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul>                                                 |
| <b>Reciprocal Discipline</b><br>677.190(15) <i>Discipline by another state based on acts similar to 677.190</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Close:</b> if not based on acts similar to 677.190.<br><b>Letter of Concern:</b> content specific to case information.                                                   | <b>Corrective Action Agreement:</b> <ul style="list-style-type: none"> <li>• educational courses (e.g. mirroring the initiating state)</li> <li>• mentorship (e.g. mirroring the initiating state)</li> </ul> <b>Stipulated Order</b> (may include CAA remedial terms +): <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul>                                                                             |

| Statute References                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | No Violation                                                                                                    | Remediation or Discipline                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p><b>Failure to Report</b><br/> 677.190(26) <i>Failure to report adverse action by another board, institution, association, government agency, law enforcement or courts for acts similar to 677.190</i><br/> 677.190(27) <i>Failure to report resignation or limitation of privileges while under investigation for incompetence, unprofessional conduct, or impairment</i><br/> 676.150(2) and 677.415(3) <i>failure to report information of incompetence, unprofessionalism, or impairment within 10 days</i><br/> 677.415(4) <i>failure to self-report an official action within 10 days</i><br/> 677.415(6) <i>failure to report a voluntary resignation or limitation of privileges while under investigation for incompetence, unprofessional conduct, or impairment within 30 days</i><br/> 676.150(3) <i>failure to report a misdemeanor conviction or a felony arrest/conviction within 10 days</i></p> | <p><b>Close:</b> no action<br/> <b>Letter of Concern:</b> reminding the licensee of reporting requirements.</p> | <p><b>Corrective Action Agreement:</b></p> <ul style="list-style-type: none"> <li>educational courses (e.g. ethics, professionalism, etc.)</li> </ul> <p><b>Stipulated Order</b> (may include CAA remedial terms +):</p> <ul style="list-style-type: none"> <li>reprimand</li> <li>civil penalty/fine</li> <li>suspension</li> <li>loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul> |
| <p><b>Failure to Qualify for Licensure</b><br/> 677.100(1)(a) <i>failure to qualify with a degree</i><br/> 677.100(1)(b) <i>failure to qualify with a postgraduate training program</i><br/> 677.100(1)(c) <i>failure to qualify for licensure by not complying with board rule(s) [ text rule #]</i><br/> 677.100(1)(d) <i>failure to qualify due to not establishing good moral character</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>Not Applicable</b></p>                                                                                    | <p><b>Stipulated Order:</b></p> <ul style="list-style-type: none"> <li>withdrawal while under investigation in lieu of denial</li> <li>denial of licensure</li> </ul>                                                                                                                                                                                                                                                                                                                                                 |

| Statute References                                                                                                                                                                                                                                                                                                                                      | No Violation                                                                                                                 | Remediation or Discipline                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>Fraud or Misrepresentation on an Application</b><br>677.190(8) <i>Fraud or misrepresentation in procuring licensure</i>                                                                                                                                                                                                                              | <b>Administrative Civil Penalty:</b> \$195 fine for misrepresentations or omissions on an application (see OAR 847-008-0058) | <b>Stipulated Order (if not yet licensed):</b> <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• withdrawal while under investigation in lieu of denial</li> <li>• denial of licensure</li> </ul> <b>Stipulated Order (if already licensed):</b> <ul style="list-style-type: none"> <li>• reprimand</li> <li>• civil penalty/fine</li> <li>• case-specific terms</li> <li>• suspension</li> <li>• loss of license <ul style="list-style-type: none"> <li>-surrender/retire while under investigation</li> <li>-revocation</li> <li>-restriction on reapplying</li> </ul> </li> </ul> |
| <b>Statutorily Prescribed Sanctions</b><br>305.385 <i>Failure to file/pay state tax</i><br>25.750 <i>Failure to pay child support</i><br>677.225(1)(a) <i>impaired + admitted for &gt;25 days</i><br>677.225(1)(b) <i>incarcerated</i><br>677.415(5) <i>health care facility failure to report an official action against a licensee within 10 days</i> | <b>Not Applicable</b>                                                                                                        | <b>Follow specific statute requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Other</b><br>677.190(17) <i>Violation of statute or rule</i><br>677.190(2) <i>Employing any person to solicit patients</i><br>677.190(11) <i>Aiding unlicensed practice</i><br>677.190(18) <i>Failure to report practice location change</i><br>677.190(21) <i>Performing psychosurgery</i>                                                          | <b>Close:</b> no action<br><b>Letter of Concern:</b> content specific to case information.                                   | <b>See Primary Statutory Violation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

*Note: During the course of an investigation, the OMB may issue an Interim Stipulated Order or Emergency Suspension Order based on information gathered. A Final Order (including a Final Order by Default) may be issued through a contested case hearing process.*

## Definitions

Gross negligence: conduct of such magnitude or recurrence as to indicate a willful indifference to regular standards and practices, or a reckless disregard for a patient's wellbeing, or an error at a fundamental level. See *also* ORS 677.190; *Hambleton v Board of Engineering Examiners*, 50 Or App 9, 12 (1979).

Negligence: not practicing within the degree of care, skill, and diligence that is used by ordinarily careful physicians, PAs, or acupuncturists in the same or similar circumstances in the same or similar community. See *also* ORS 677.095, 677.097, 677.190, 677.265; *Getchell v Mansfield*, 260 Or 174, 179 (1971); *Creasey v Hogan*, 292 Or 154, 163 (1981).

Nexus to practice: the conduct directly relates to or has a connection with the practice of medicine, podiatry, or acupuncture. A fact-specific analysis determines whether a nexus exists. Off-duty conduct may substantially relate to the practice of medicine, podiatry, or acupuncture based on the facts, circumstances, and professional standards. See *also* ORS 670.280, 677.100, 677.190; *Dearborn v Real Estate Agency*, 334 Or 493 (2002); *Kerley v Real Estate Agency*, 337 Or 309 (2004); *Teacher Standards v Bergerson*, 342 Or 301 (2007); *Talbott v Teacher Standards*, 260 Or App 355 (2013); *Eicks v Teacher Standards*, 270 Or App 656 (2015); *Allied Structural v Construction Contractors Board*, 311 Or App 40 (2021).

Willful: conduct that was done deliberately, intentionally, or consciously, but not maliciously. See *also* ORS 677.080, 677.188, 677.190.

Malice: reckless disregard of the law or for the rights of others; the intent, without justification or excuse, to commit a wrongful act or to cause harm or injury.

*Note: These definitions are provided for general reference only and should not be construed as legal interpretation or advice. The legal standards and definitions will be determined and applied after analysis of the unique circumstances in each individual investigation.*