



Approved by the Board on April 3, 2025.

**OREGON MEDICAL BOARD**  
**Meeting of the OMB Guideline Workgroup • January 13, 2025 • Held via Video Conference**

**PUBLIC SESSION**

**Welcome** **POULSEN**

Jill Shaw, DO, called the meeting to order at 5:06pm and called the roll. A quorum was confirmed.

The following Workgroup members were present:

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| Tim Beals, DO, OPSO Representative            | Connie McKelvey, JD, Attorney Representative                |
| Mark Bonanno, JD, OMA Representative          | Chere Pereira, Public Representative                        |
| Valerie Harmon, Patient Safety Representative | Jill Shaw, DO, OMB Chair                                    |
| Molly Marcum, JD, Attorney Representative     | Christoffer Poulsen, DO, OMB Member, Workgroup Chair (5:09) |

Troy Bundy, JD, Attorney Representative, was absent by prior notice.

OMB Staff present:

- |  |                                       |
|--|---------------------------------------|
| Nicole Krishnaswami, JD, Executive Director      | Gretchen Kingham, Executive Assistant |
| Elizabeth Ross, JD, Legislative & Policy Analyst |                                       |

Jill Shaw, DO, OMB Vice Chair, welcomed Workgroup members and discussed ground rules for the meeting, provided an overview of the agenda, and invited members of the public to participate by providing comment during the public comment period or by submitting written comments to Board staff.

**Updates**

Dr. Shaw reported that the OMB’s Administrative Affairs Committee in December and the full Board in January reviewed the draft guidelines and the Workgroup’s meeting minutes. The AAC and full Board had no specific comments but were encouraged by the work of the Workgroup. The Board looks forward to reviewing the final draft at their meeting in April.

**Discussion of Draft Guidelines**

Christoffer Poulsen, DO, OMB member and Workgroup Chair, joined the meeting at 5:09 pm and began the substantive discussion by noting the draft guidelines had been updated in a few small areas based on the Workgroup’s discussion at the November meeting. Specifically, the guidelines now:

- Include a definitions section at the end of the document with frequently used terms.
- Clarify that all of the bullet-point criteria must be met for an investigation to resolve with a Corrective Action Agreement when the Board alleges a violation(s) of the Medical Practice Act.

**Discussion regarding criteria for the Board issuing a remedial action, known as a Corrective Action Agreement (CAA), versus a disciplinary action, known as a Stipulated Order (SO).**

Dr. Poulsen noted that at the November meeting, there was discussion about whether the word “and” should be changed to “or” for Corrective Action Agreements. For consistency with current processes, all of the listed criteria must be met, and OMB staff has updated the language to clarify.

Molly Marcum, JD, Attorney Representative, noted the thoughtful consideration of “and” versus “or” in the criteria for CAAs. She suggested adding “substantially” to “A CAA is an appropriate resolution when ‘substantially’ all of the following criteria are met...” Ms. Marcum appreciated the discretionary allowance for remedial resolutions and noted the significance for licensees in resolving the Board’s concerns with remedial CAAs rather than disciplinary SOs.

Connie McKelvey, JD, Attorney Representative, supported Ms. Marcum’s comments and requested more clearly described discretion when the Board is evaluating the criteria for CAAs.

Dr. Poulsen stated the guideline is for reference only and is not binding; individual facts and unique circumstances of each case will inform the final outcome.

**Discussion regarding mitigating and aggravating factors based on sample guidelines from other states and boards.**

Valerie Harmon, Patient Safety Representative, specifically asked about the use of “e.g.” and “i.e.” in the lists of mitigating factors.

- History of similar conduct (i.e., pattern)
- Complaint and discipline history (i.e., recidivism)
- Licensee’s personal factors (e.g., practice experience, medical conditions, etc.)

Nicole Krishnaswami, JD, OMB Executive Director, thanked Ms. Harmon for her observation and noted that “ie.” was intended to mean “in other words” while “e.g.” was intended to mean “for example.” Ms. Krishnaswami discussed options to reword these aggravating and mitigating factors to improve clarity.

**Discussion regarding proposed groupings of statutory references.**

The Workgroup did not suggest any needed changes to the groupings of statutory violations; however, Ms. McKelvey requested the Board stop using “dishonorable conduct” in Board notices, orders, and agreements. She noted this issue is outside of the scope of the Workgroup and that the terminology is in existing Oregon Revised Statutes, but she asked the Board to reconsider the use of these terms due to their detrimental effect on licensees.

**Discussion regarding definitions section has been added at the end of the document.**

Dr. Poulsen noted that at the November Workgroup meeting, there was discussion about defining some frequently used terms. The newly defined terms include negligence, gross negligence, nexus, willfulness, and malice.

Mark Bonanno, JD, OMA Representative, specifically noted the references to case law and asked that the Board stay abreast of changes in case law and update terms if and when needed.

Ms. Marcum commented that it is good to have definitions, but care needs to be taken because there can be confusion between “malice” and “gross negligence.” She suggested adding “aggravated” or “outrageous” to the definition of malice. Ms. McKelvey supported Ms. Marcum’s comments.

Dr. Poulsen reiterated that the guideline is for reference only.

Ms. Krishnaswami explained the definition of malice was drafted based on reference materials but can be revised as Ms. Marcum suggested, including a reference to relevant case law. She also reiterated the guideline is only intended as a reference for the public and licensees and should not be considered the authoritative, legal definitions for these terms. The Board will consider applicable statutes, case law, and unique circumstances in consultation with the Oregon Department of Justice when considering whether to pursue disciplinary action against a licensee.

**Additional Discussion.**

Dr. Poulsen noted that to meet other recommendations in the audit, the OMB is collecting case closure data in 2025 and plans to initiate systematic reviews of case decisions in 2026 to ensure consistency and equity in case outcomes. Additionally, at the November meeting, the Workgroup expressed an interest in reconvening to review the data that has been collected and analyzed after a period of time. Board staff will communicate with Workgroup members when such data is available for review.

**Public Comment**

Dr. Poulsen invited comments from the public; however, no members of the public were present.

**Closing Discussion**

Dr. Poulsen thanked Workgroup members for their time and efforts on the Workgroup and during his tenure on the Board. He noted this was his last meeting as an OMB member and expressed his immense confidence in Dr. Shaw, who will be chairing the Board in 2025. Dr. Poulsen welcomed further engagement on the disciplinary guidelines at the Administrative Affairs Committee's March 12, 2025, meeting and the full Board's April 3, 2025, meeting.

Workgroup members expressed appreciation for the discussions and contributions in developing these disciplinary guidelines.

Dr. Poulsen adjourned the meeting at 5:29pm.