

Oregon Medical Board
BOARD ACTION REPORT
April 15, 2013

The information contained in this report summarizes new, interim, and final actions taken by the Oregon Medical Board between March 16, 2013 and April 15, 2013.

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 Corrective Action Agreements and Consent Agreement 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 a Service Request Form (<http://egov.oregon.gov/BME/PDFforms/VerDispMalFillin.pdf>) found under the Licensee Information Request Form 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.

Barone, Christopher Michael, MD; MD28251; Portland, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; misrepresentation in applying or procuring a license to practice in this state, or in connection with applying for or procuring registration; and repeated negligence in the practice of medicine. This Order reprimands Licensee; fines Licensee \$7,500; suspends Licensee's medical license for 30 days; requires Licensee to work under the supervision of a mentor who will provide weekly chart review; requires Licensee to complete medical documentation and medical ethics courses; and places Licensee on probation.

Bergin, Patrick John, MD; MD150855; Springfield, OR

On April 4, 2013, Licensee entered into a Consent Agreement with the Board. In this Agreement, Licensee agreed to practice under a Board approved mentor for a minimum of one year.

Betts, Jay Gordon, DO; DO07540; Lake Oswego, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for willfully violating any Board rule, Board order or Board request. This Order retires Licensee's osteopathic license while under investigation.

Carlson, Deborah Lee, MD; Applicant; Salem, OR

On April 4, 2013, Licensee entered into a Consent Agreement with the Board. In this Agreement, Licensee agreed to practice under the supervision of a Board approved mentor, and complete the recertification process with the American Board of Psychiatry.

Flores, Gonzalo Marine, LAc; AC00643; Portland, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct, and willfully violating any rule adopted by the Board or failing to comply with a Board request or order. This Order revokes Licensee's acupuncture license, however the revocation is stayed; reprimands Licensee; suspends Licensee's acupuncture license for 30 days; fines Licensee \$6,000; requires the presence of a chaperone when treating female patients and proper documentation of such; and disallows Licensee from treating female patients who decline a chaperone.

Foster, David William, MD; MD12438; Stayton, OR

On April 4, 2013, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete courses on medical documentation and neurological assessment.

Galaviz, Manuel Reymundo, MD; MD13449; Vancouver, WA

*On April 4, 2013, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's April 17, 2003, Stipulated Order.

Graham, Barbara Ann, MD; MD15611; Portland, OR

*On April 4, 2013, the Board issued an Order Modifying Stipulated Order. This Order modifies Licensee's October 11, 2012, Stipulated Order, allowing the Board to hold the Order in abeyance provided that Licensee is not actively practicing medicine.

Griesser, Carl Russell, MD; MD155331; Medford, OR

*On April 5, 2013, the Board issued an Order Terminating Consent Agreement. This Order terminates Licensee's November 16, 2011, Consent Agreement.

Hutson, Daniel Boniface, PA; Applicant; Portland, OR

*On April 4, 2013, Applicant entered into a Stipulated Order with the Board. This Order grants Applicant a physician assistant's license; places Applicant on probation; requires that Applicant's practice setting, supervising physician, and practice agreement be pre-approved by the Board's Medical Director; requires the presence of a chaperone when treating female patients; requires Applicant to work under the personal supervision of his supervising physician for at least 520 clinical hours; outlines the chart review and reporting requirements of Applicant's supervising physician; allows for no-notice audits of Applicant's medical records; prohibits Applicant from prescribing Schedule II controlled substances, dispensing any medications, and prescribing any controlled substances for at least three months; prohibits Applicant from treating or prescribing for himself, friends, clinic personnel, or relatives; requires that Applicant complete courses in medical documentation, professional ethics, and professional boundaries; requires that Applicant establish and maintain a relationship with a healthcare provider pre-approved by the Board; and requires that Applicant surrender his physician assistant license should he become licensed as a naturopathic physician.

Kane, David Henach, MD; MD28773; Bend, OR

*On March 25, 2013, 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.

Lee, Anthony Hyunbo, MD; MD15438; Beaverton, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board. This Order retires Licensee's medical license while under investigation.

Luty, Jeffrey Alexander, MD; MD155853; Portland, OR

On April 5, 2013, Licensee entered into a Consent Agreement with the Board. In this Agreement, Licensee agreed to practice under the supervision of a Board-approved mentor in accordance with the submitted re-entry to practice plan, and continue with his current healthcare treatment.

Meinig, Martin Lyn, MD; MD27787; Klamath Falls, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct. This Order reprimands Licensee, assesses a fine of \$2,500, requires that Licensee complete a boundaries course, and requires that Licensee establish and maintain a relationship with a healthcare provider who has been pre-approved by the Board.

Page, Travis Lee, DO; DO26755; Nyssa, OR

On April 4, 2013, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete a course on medical documentation and allow for no-notice audits of his clinic and charts.

Paysse, Jeanette Claire, MD; MD26435; Portland, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; impairment; willfully violating any Board rule or order; violating the federal Controlled Substances Act; and prescribing controlled substances without a legitimate purpose. This Order surrenders Licensee's medical license while under investigation.

Saks, Seldon Keith, MD; MD15511; Tualatin, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for willfully violating any board rule, board order or board request. This Order reprimands Licensee; places Licensee on probation; outlines a payment plan for costs owed to the Board; and prohibits Licensee from acquiring or using electronic equipment for medical diagnosis or treatment without approval from the Board's Medical Director.

Shelnutt, Mark David, MD; PG157541; Portland, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct, and gross or repeated acts of negligence. This Order expires Licensee's Limited License, Post Graduate, requires that Licensee withdraw from the practice of medicine while under investigation, and prohibits Licensee from re-applying for licensure in Oregon for two years.

Treible, Timothy James, MD; MD15152; Portland, OR

*On April 4, 2013, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's April 5, 2012, Corrective Action Agreement.

Usher, Vernon Howard, MD; MD09413; Portland, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct, and gross or repeated acts of negligence. This Order retires Licensee's medical license while under investigation.

Vaughn, Janice Marie, MD; MD12709; West Linn, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct, and gross or repeated negligence in the practice of medicine. This Order disallows Licensee from providing general or regional anesthesia to patients; requires Licensee to complete a medical documentation course; and allows the Board to conduct no-notice compliance audits of Licensee's medical charts and practice location(s).

Yazdi, Navid Darius, MD; MD150979; Helvetia, OR

*On April 4, 2013, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct, fraud or misrepresentation in applying for a license to practice medicine in this state, and willfully violating any rule adopted by the Board or any Board order or any Board request. This Order surrenders Licensee's medical license while under investigation, assesses a civil penalty of \$2,500, and prohibits Licensee from applying for licensure in Oregon for three years.

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.

1 "Have you ever had privileges denied, reduced, restricted, suspended, revoked, terminated or
2 have been placed on probation, been subject to staff disciplinary action or non-renewal of an
3 employment contract, or been requested to voluntarily resign or suspend your privileges while
4 under investigation from a hospital, clinic, surgical center, or other medically related
5 employment; or have you ever been notified that such action or request is pending or
6 proposed?" Licensee's answer was not true. Licensee was placed on probation for
7 administrative reasons during his final year of ophthalmology residency. Licensee
8 subsequently completed this residency and began to practice ophthalmology in Colorado.
9 While in Colorado it was recommended that Licensee's privileges at Heart of the Rockies
10 Regional Medical Center be suspended until additional training and proctoring could be
11 completed. Licensee resigned his privileges before that suspension took effect.

12 3.2 On August 13, 2011, Patient A, a 51 year old homeless male with a history of
13 alcoholism and associated liver disease, was admitted to Providence Hospital in Portland,
14 Oregon, for aspiration pneumonia, atrial fibrillation, sepsis and cardiogenic shock with
15 multifactorial encephalopathy. On August 14, 2011, at about 3:00pm, the nursing staff from
16 the Intensive Care Unit (ICU) called Licensee to report that Patient A was in respiratory
17 distress. Patient A was described as cyanotic, mottled and dusky with "severe dyspnea." The
18 nurses were unable to keep Patient A's oxygen saturation above 85% using nasal cannulas.
19 The nurses asked that Licensee, who was on duty as the attending hospitalist, to come to the
20 bedside to evaluate Patient A. Licensee did not comply with this request, but issued a series
21 of orders, to include ordering a chest X-ray and a check on arterial blood gases. At 5:15pm,
22 although Licensee still had not seen the patient, another physician responded to the nursing
23 staff and intubated Patient A endotracheally. Patient A's blood gases and pH of 7.27 was
24 consistent with respiratory acidosis. Licensee submitted a progress note dated August 14,
25 2011, 4:00pm – 4:50pm, that he had written that morning without examining Patient A. His
26 progress note did not reflect the concerns raised by the attending ICU nurses throughout that
27 day. Licensee later explained that: "My mistake occurred because I was charting in advance

1 on a patient whose condition acutely worsened before I rounded on him.” Licensee inserted
2 his progress note of August 14, 2011, into the chart without examining the patient and
3 knowing that Patient A’s condition had significantly deteriorated during the course of that
4 day. Although Licensee spoke with the nursing staff attending Patient A, placed orders,
5 reviewed laboratory reports and the electronic medical record, and spoke with an urologist and
6 the on-call cardiologist, Licensee failed to attend this critically ill patient at his bedside or
7 examine him in a timely manner. He also inserted a false and misleading progress note into
8 the medical chart.

9 3.3 Patient B, an 80 year old female, was admitted at Providence Hospital on May
10 20, 2011, with a fracture of her left wrist and left hip after a fall. Patient B underwent surgery
11 on May 21, 2011, to address her left intertrochanteric femur fracture. Licensee assumed care
12 of Patient B on May 22, 2011. Licensee’s progress note on that date reflects that Patient B’s
13 hemoglobin and hematocrit had dropped to 7.1g/dL and 21.4%. Licensee found that Patient B
14 was anemic and attributed this to intraoperative blood loss of 100ccs. Patient B’s declined
15 receiving blood products based on her religious faith. Patient B’s hemoglobin dropped to 6.6
16 on May 23, 2011, and to 6.3 on May 24, 2011. Patient B also had chronic diarrhea. Patient
17 B’s immediate family members attempted to speak with Licensee and voiced a number of
18 concerns, but he was very slow to respond and dismissive in regard to their concerns.
19 Licensee started Patient B on erythropoietin on May 23, 2011. Licensee contacted a physician
20 associated with the Bloodless Surgery Program at Legacy Health on May 24, 2011, who
21 recommended intravenous iron and to stop blood draws, which might contribute to her
22 anemia. Patient B’s hematocrit was 19% on May 24, 2011. On May 27, 2011, at 11:18am,
23 Patient B’s blood pressure was 154/86. At 11:20am, the attending nurses sent a text message
24 to Licensee that Patient B was complaining of chest and facial pressure as well as back pain.
25 At 11:23am, the attending nurses sent a text to Licensee that Patient B was lethargic, unable to
26 verbalize and had a left side facial droop. Family members subsequently encountered
27 Licensee on the same floor as the patient’s room and pleaded with him that “we need help —

1 it's really bad." Licensee told them: "I can't draw blood so there is nothing that I can do" and
2 walked away without entering Patient B's room. At 11:35am, Patient B's speech was slurred
3 and garbled. At 11:37am, Patient B's blood pressure was 84/52 with a pulse of 52. At
4 11:50am, the attending nurses called the Rapid Response Team to evaluate Patient B for left
5 facial droop, dysarthria, and jaw pain. A stroke neurologist promptly responded and
6 diagnosed hemiparesis and ordered a head CT scan, which was negative. Patient B
7 subsequently became hypotensive and was transferred to the ICU. A code blue was called at
8 1:00pm. Licensee did not attend Patient B at her bedside on May 27, 2011, but wrote in his
9 progress note that: "the family again insisted that she not receive any blood products." Patient
10 B expired at 1:20pm. Licensee charted that the cause of death was: "Probable massive stroke
11 secondary to anemia and hypotension." Licensee failed to respond to the acute changes in
12 Patient B's condition on May 27, 2011, was not responsive to the concerns expressed by the
13 attending nurses, and failed to effectively communicate with the attending nurses or Patient
14 B's family members.

15 3.4 On September 8, 2011, Providence Medical Group reported to the Board that
16 Licensee's employment had been terminated for unprofessional conduct. The report stated
17 that Licensee "...has previously received coaching regarding concerns at times with his
18 inadequate responsiveness to nursing concerns. In the most recent case he demonstrated
19 inadequate responsiveness regarding a deteriorating patient and there were irregularities in his
20 medical records."

21 4.

22 Licensee and the Board desire to settle this matter by entry of this Stipulated Order.
23 Licensee understands that he has the right to a contested case hearing under the
24 Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and
25 finally waives the right to a contested case hearing and any appeal therefrom by the signing of
26 and entry of this Order in the Board's records. Licensee admits that he engaged in the conduct
27 described in paragraph 3 and that this conduct violated ORS 677.190(1)(a) unprofessional or

1 dishonorable conduct, as defined by ORS 677.188(4)(a); ORS 677.190(8) misrepresentation
2 in applying or procuring a license to practice in this state, or in connection with applying for
3 or procuring registration; and ORS 677.190(13) repeated negligence in the practice of
4 medicine. Licensee understands that this Order is a public record and is a disciplinary action
5 that is reportable to the National Data Bank and the Federation of State Medical Boards. This
6 Order becomes effective the date it is signed by the Board Chair.

7 5.

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

10 5.1 Licensee is reprimanded.

11 5.2 Licensee must pay a fine of \$7500, with \$1,000 payable within 30 days after
12 the signing of this Order by the Board Chair, and the remainder payable in ten equal
13 installment payments of \$650.00 every 30 days thereafter until the fine is paid in full. This
14 fine will be held in abeyance until Licensee's plan to work in a health care environment is
15 approved by the Board's Medical Director, with the first payment (\$1,000) becoming due 30
16 days from the date that Licensee begins work as a physician pursuant to the approved plan.

17 5.3 The medical license of Licensee is suspended for 30 days. Licensee's 30 day
18 suspension will go into effect the second Monday after the Board Chair signs this Order.

19 5.4 Licensee may only practice medicine in a health care environment under the
20 supervision of a practice mentor who is pre-approved by the Board's Medical Director.
21 Licensee must submit a written plan to the Board describing the proposed health care
22 environment for review and comment. Licensee may not practice medicine until his plan to
23 work in a health care work environment is approved by the Board's Medical Director.

24 5.5 Licensee's practice mentor must conduct at least weekly chart reviews with
25 Licensee and must provide ongoing observation of Licensee functioning in the clinical setting
26 providing health care to patients and interacting with medical staff persons.

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
JAY GORDON BETTS, DO) STIPULATED ORDER
LICENSE NO. DO07540)
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1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including osteopathic physicians, in the State of Oregon. Jay Gordon Betts, DO (Licensee) is a licensed osteopathic physician in the State of Oregon.

2.

2.1 On April 8, 2010 the Licensee and Board entered into an agreement in which the Licensee elected to voluntarily limit the scope of his practice of medicine by means of a Voluntary Limitation. Term 2.1 of the 2010 Voluntary Limitation limits Licensee's practice of medicine to non-surgical ophthalmologic medicine.

2.2 On November 28, 2012, the Board opened an investigation after receiving a complaint that Licensee violated term 2.1 of the Voluntary Limitation by acting as the Medical Director at a medical spa in 2012, and by ordering or authorizing prescription medications or aesthetic treatments for multiple patients," in violation of ORS 677.190(17) willfully violating any board rule, board order or board request.

3.

Licensee and the Board agree to close this investigation with this Stipulated Order in which Licensee agrees to retire his license while under investigation, consistent with the terms of this Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes and fully and finally

1 waives the right to a contested case hearing and any appeal therefrom by the signing of and
2 entry of this Order in the Board's records. By entering into this Order, the Licensee neither
3 admits nor denies, however the Board finds that the conduct described in paragraph 2 violated
4 the Medical Practice Act. This document is a public record and is reportable to the National
5 Data Bank and the Federation of State Medical Boards.

6 4.

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

9 4.1 Licensee retires his license to practice medicine while under investigation. This
10 retirement of license becomes effective the date the Board Chair signs this Order.

11 4.2 Throughout the time that the medical license of Licensee remains in a retired
12 status, Licensee is prohibited from practicing any form of medicine.

13 4.3 In the event Licensee should submit an application for reactivation of his
14 medical license, Licensee understands that the Board will reopen this investigation.

15 4.4 Licensee's Voluntary Limitation of April 8, 2010, terminates effective the date
16 this Order is signed by the Board Chair

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

19 IT IS SO STIPULATED this 6th day of MARCH, 2013.

20 SIGNATURE REDACTED

21 JAY GORDON BETTS, DO

22 IT IS SO ORDERED this 4 day of April, 2013.

23 OREGON MEDICAL BOARD
24 State of Oregon

25 SIGNATURE REDACTED

26 ROGER M. MCKIMMY, MD
BOARD CHAIR

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
GONZALO MARINE FLORES, LAc) STIPULATED ORDER
LICENSE NO. AC00643)
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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. Gonzalo Marine Flores, LAc (Licensee) is a licensed acupuncturist in the state of Oregon.

2.

On November 6, 2012, the Board issued a Complaint and Notice of Proposed Disciplinary Action in which it 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 fine, and assessment of costs, pursuant to ORS 677.205 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); and ORS 677.190(17) willfully violating any rule adopted by the Board or failing to comply with a Board request or order.

3.

Licensee engaged in the following acts and conduct that violated the Medical Practice Act:

3.1 Licensee entered into a Corrective Action Agreement with the Board that went into effect on October 8, 2009, in which Licensee agreed that he would comply with the conditions specified in paragraph 4, to include:

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1 4.2 Licensee will not examine or treat female patients age sixteen years or
2 older without the presence of a chaperone (not related to Licensee) in the room.

3 The presence of the chaperone will be promptly documented in the chart.

4 4.3 Licensee will not hug or embrace his patients or family members of
5 patients.

6 4.4 Licensee shall obey all federal and Oregon state laws and regulations
7 pertaining to the practice of acupuncture.

8 4.5 Licensee's practice will be subject to no-notice inspections by a Board
9 compliance officer.

10 4.6 After two years from the date this Agreement is signed by the Board
11 Chair, Licensee may request that the Board modify or terminate the
12 Agreement.

13 4.7 Licensee agrees that any violation of the terms of this Agreement shall
14 be grounds for further disciplinary action under ORS 677.190(18).

15 3.2 In June 2011, the Board's Compliance Officer requested that Licensee provide
16 an update on his compliance with the 2009 Corrective Action Agreement. By letter, dated
17 July 20, 2011, Licensee attested to his total compliance with all obligations of the Agreement.
18 Specifically, Licensee stated that he used chaperones as required by the Agreement and the
19 chaperone's presence was immediately documented in the patient chart. Licensee also
20 affirmed that he did not hug patients or family members of patients. These statements were
21 incorrect.

22 3.3 On March 6, 2012, the Board's Compliance Officer conducted a no-notice
23 inspection of Licensee's clinic and spoke with Licensee and employees of the clinic. Licensee
24 informed the Compliance Officer that he used a chaperone for almost all of his female
25 patients. Licensee stated that one adult female patient (Patient A) had written a letter to the
26 clinic waiving the need for a chaperone for her treatment sessions. The Compliance Officer
27 informed Licensee that the Board's chaperone requirement could not be waived. Patient A's

1 chart for 2010 revealed four notes where this patient had declined the use of a chaperone. The
2 Compliance Officer subsequently reviewed the charts for ten randomly selected female
3 patients that had been seen by Licensee in December 2011, as well as January and February of
4 2012. All of the charts were electronic medical records (EMRs), but several of the chart
5 notes for the patient visits during this time period were not completed and did not reflect the
6 use of a chaperone. The Compliance Officer reviewed the chart notes for the last three clinic
7 visits by Patients A, B, C, and D (all adult female patients) and found that several of the notes
8 were not completed and did not reflect the use of a chaperone. This compliance visit revealed
9 that Licensee did not comply with paragraph 4.2 of the Corrective Action Agreement by
10 failing to promptly document the presence of a chaperone, and by failing to provide a
11 chaperone for Patient A despite her expressed "waiver" of the Board condition.

12 3.4 Subsequent to the March 6, 2012 audit, interviews were conducted with
13 Patients B, C, and E, and a written statement was submitted by Patient D. Patients B, C and D
14 verified that Licensee did use chaperones during their treatment sessions, but Patient C
15 indicated that on several occasions after a treatment session, Licensee gave her a hug. Patient
16 E (an adult female) reports that Licensee did not have a chaperone present on the six or seven
17 occasions that he provided treatment to her, and on several occasions, gave her a hug after
18 treating her.

19 3.5 On August 7, 2012, the Board's Compliance Officer conducted a no-notice
20 inspection of Licensee's clinic, which included a chart review of ten female patient encounters
21 that were randomly selected. All of the charts were electronic medical records (EMRs) and all
22 contained notations for a chaperone. Licensee's EMR's at this time did not provide a dated
23 validation function. As a result, the actual presence of a chaperone could not be verified.

24 3.6 A review of several chart notes for Patient D identified suspicious chaperone
25 notations. An incomplete chart note, dated 7/21 is pre-signed by a chaperone with no other
26 data. The same chaperone is noted on chart notes for 4/7/2011 and 7/19/2011, however the
27 corresponding signatures are markedly different. A clinic visit on 2/17/12 is documented on

1 both a paper chart note and an EMR. The EMR version of the note lists a chaperone; however
2 the corresponding signature on the paper version of the note does not appear to match.

3 3.7 Licensee's clinic underwent a billing audit by the special investigations unit of
4 the ODS Companies (ODS) in July 2012. The ODS audit reviewed records for eight (8)
5 patients treated at Licensee's clinic and identified discrepancies in 100 % of the charts. In
6 their audit report to the Licensee, ODS determined that there was insufficient documentation
7 in the medical record to support the billing submitted to ODS and requested reimbursement of
8 \$6,978.16 from the Licensee.

9 4.

10 Licensee and the Board desire to settle this matter by entry of this Stipulated Order.
11 Licensee understands that he has the right to a contested case hearing under the
12 Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and
13 finally waives the right to a contested case hearing and any appeal therefrom by the signing of
14 and entry of this Order in the Board's records. Licensee neither admits or denies but the Board
15 finds that he engaged in the conduct described in paragraph 3 and that this conduct violated
16 ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a);
17 and ORS 677.190(17) willfully violating any rule adopted by the Board or failing to comply
18 with a Board request or order. Licensee understands that this Order is a public record and is a
19 disciplinary action that is reportable to the National DataBank and the Federation of State
20 Medical Boards. This Order becomes effective the date it is signed by the Board Chair.

21 5.

22 Licensee and the Board agree to resolve this matter by the entry of this Stipulated
23 Order subject to the following sanctions and terms and conditions:

24 5.1 The acupuncture license of Licensee is revoked, but the revocation is stayed.

25 5.2 Licensee is reprimanded.

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1 5.3 The acupuncture license of Licensee is suspended for 30 days. Licensee's 30
2 day suspension will go into effect on May 1, 2013 at 8:00am and will be completed on May
3 30, 2013 at 5:00pm.

4 5.4 Licensee must pay a fine of \$6,000, with \$1,000 payable within 30 days of the
5 signing of this Order by the Board Chair, and the remainder payable in 20 equal installment
6 payments of \$250.00 on the first of every month, with the first installment payment due on
7 May 1, 2013 and the last payment due on December 1, 2014.

8 5.5 Paragraph 4.2 of the Corrective Action Agreement is vacated and replaced by
9 the terms of this Stipulated Order. Licensee must not examine or treat female patients
10 (sixteen years or older) without the presence of a chaperone (not related to Licensee) in the
11 room at all times. "Not related to the Licensee" means someone who is not a spouse, parent
12 or child of Licensee or Joanna Flores. The presence of the chaperone must be documented as
13 follows: on the same day as the clinic visit, Licensee must ensure that the chaperone sign and
14 date the "Chaperone Record" to indicate the date of clinic visit, name of patient, and
15 certification that the chaperone was present whenever Licensee is in any room used for
16 treatment or examination with any patient. The Chaperone Record may be prepared in hard
17 copy or electronically, but any record must accurately reflect the date and time of any entry,
18 must not be subject to alteration without reflecting the date and time of any revision, to
19 include the identity of the person making the revision, and must be subject to immediate
20 inspection for any Board audit.

21 5.6 All other terms of the 2009 Corrective Action Agreement remain in effect.

22 5.7 Licensee must not examine or treat any female patient that declines the use of a
23 chaperone.

24 5.8 After 12 months of demonstrated compliance with the terms of this Order,
25 Licensee may submit a written request to modify a term(s) of this Order.

26 5.9 Licensee stipulates that he will obey all laws and regulations pertaining to the
27 practice of acupuncture.

1 4.4 Applicant must submit his written practice agreement for prior review, comment,
2 and approval by the Board's Medical Director. Any subsequent changes to the practice
3 agreement must be approved by the Board's Medical Director prior to the effective date of the
4 change(s).

5 4.5 Applicant must not examine or treat female patients without the presence of a
6 chaperone (not related to Applicant) in the room at all times. "Not related to the Applicant"
7 means someone who is not a spouse, parent or child of Applicant. The presence of the
8 chaperone must be documented as follows: on the same day as the appointment, Applicant must
9 ensure that the chaperone sign and date the chart to indicate the date of appointment, name of
10 patient, and certification that the chaperone was present whenever Applicant is in any room used
11 for treatment or examination with any patient. The record must accurately reflect the date and
12 time of any entry, must not be subject to alteration without reflecting the date and time of any
13 revision, to include the identity of the person making the revision, and must be subject to
14 immediate inspection for any Board audit.

15 4.6 Applicant must work under the personal supervision of a supervising physician
16 for at least three months, or 520 clinical hours, or completion of term 4.13, whichever occurs
17 later. After this time period, Applicant's supervising physician may continue this level of
18 supervision at his or her discretion.

19 4.7 Applicant's supervising physician(s) must institute and maintain a documented
20 and ongoing 100% review of Applicant's medical charts during the period of personal
21 supervision described in term 4.6 and for the following three months, or 520 clinical hours,
22 whichever occurs later. Subsequent to this, Applicant's supervising physician(s) must continue
23 chart review as follows: a minimum of 50% of charts for the next 30 days, 30% for the next 60
24 days, 20% for the next 90 days, and a minimum of 10% of charts thereafter, no less than 10
25 charts per month.

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1 4.8 Applicant must ensure that his supervising physician(s) submit quarterly written
2 reports to the Board regarding Applicant's current training, quality of care that he is providing to
3 his patients, and his ability to safely practice medicine.

4 4.9 Applicant's medical records are subject to no-notice audits by the Board's
5 Compliance Officers.

6 4.10 Applicant must not prescribe any controlled substances until term 4.6 is satisfied
7 and may only prescribe Schedule III-V substances thereafter.

8 4.11 Applicant is prohibited from dispensing any medications.

9 4.12 Applicant must not treat and/or prescribe for himself, personal friends, clinic
10 personnel (to include physicians), or relatives.

11 4.13 Within 12 months from the signing of this Order by the Board Chair, Applicant
12 must successfully complete courses in medical documentation, professional ethics, and
13 professional boundaries that are pre-approved by the Board's Medical Director.

14 4.14 Applicant must establish an ongoing therapeutic relationship with a provider, who
15 is pre-approved by the Board's medical director. This provider must submit quarterly reports to
16 the Board. Applicant must sign all releases to facilitate communication with the Board.

17 4.15 The Stipulated Order of December 4, 2003, will terminate upon the signing of this
18 Stipulated Order by the Board Chair.

19 4.16 Applicant may not hold a license as a naturopathic physician and Oregon
20 physician assistant at the same time. Prior to becoming licensed as a naturopathic physician, in
21 any jurisdiction, Applicant must surrender his Oregon physician assistant license.

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4.

At the conclusion of the Board's investigation, the limitation placed on Licensee will be reviewed in an expeditious manner. If the Board determines, following that review, that these limitations shall not be lifted, Licensee may request a hearing to contest that decision.

5.

This order is issued by the Board pursuant to ORS 677.265 while the Board conducts its investigation for the purpose of fully informing itself with respect to Licensee's performance or conduct, 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, nor shall they be admissible as evidence in any judicial proceeding. However, as a stipulation this Order is a public document and is reportable to the national DataBank and the Federation of State Medical Boards.

IT IS SO STIPULATED THIS 25 day of March, 2013.

SIGNATURE REDACTED

DAVID HENACH KANE, MD

IT IS SO ORDERED THIS 25th day of March, 2013.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

KATHLEEN HALEY, JD
EXECUTIVE DIRECTOR

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
ANTHONY HYUNBO LEE, MD) STIPULATED ORDER
LICENSE NO. MD15438)

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. Anthony Hyunbo Lee, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On April 19, 2012, the Board opened an investigation after receiving a complaint related to Licensee's prescribing oxycodone and clonazepam to a patient with a history of drug abuse and who was on methadone through a treatment program. Licensee signed an Interim Stipulated Order on January 2, 2013, in which he agreed to refrain from prescribing or dispensing any controlled substances, with the exception of benzodiazepines, which he could refill one time, per patient, for an additional two (2) weeks from the effective date of the Order.

3.

Licensee and the Board agree to close this investigation with this Stipulated Order in which Licensee agrees to retire his license while under investigation, consistent with the terms of this Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes 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 and the Board acknowledge that this Order will terminate the Interim Stipulated Order, dated January 2, 2013. By entering into

1 this Order, Licensee understands that although the Board makes no finding at this time as to
2 whether his conduct violated the Medical Practice Act, this document is a public record and is
3 reportable to the National Data Bank and the Federation of State Medical Boards.

4 4.

5 Licensee and the Board agree to resolve this matter by the entry of this Stipulated
6 Order subject to the following conditions:

7 4.1 Licensee retires his license to practice medicine while under investigation. This
8 retirement of license becomes effective the date the Board Chair signs this Order.

9 4.2 Throughout the time that the medical license of Licensee remains in a retired
10 status, Licensee is prohibited from practicing any form of medicine.

11 4.3 This Order terminates the Interim Stipulated Order, which Licensee signed on
12 January 2, 2013.

13 4.4 In the event Licensee should submit an application for reactivation of his
14 medical license, Licensee understands that the Board will reopen this investigation.

15 4.5 Licensee stipulates and agrees that any violation of the terms of this Order
16 would be grounds for further disciplinary action under ORS 677.190(17).

17
18 IT IS SO STIPULATED this 20th day of January, 2013.

19 SIGNATURE REDACTED

20 ANTHONY HYUNBO LEE, MD

21 IT IS SO ORDERED this 4 day of April, 2013.

22 OREGON MEDICAL BOARD
23 State of Oregon

24 SIGNATURE REDACTED

25 ROGER M. MCKIMMY, MD
26 BOARD CHAIR

1 April of 2009. During the course of her pregnancy, Patient A became accustomed to
2 confiding in Licensee on a number of health and social issues, to include the death of her
3 father, her marriage, and daily life stressors. Patient A presented on June 1, 2009 for a post-
4 partum visit and told Licensee that she was infatuated with him. Licensee counseled Patient
5 A that this was part of her post-partum depression and prescribed citalopram (Celexa) for her,
6 with six refills. The last refill for Celexa that Licensee authorized for Patient A was on
7 February 8, 2010. Beginning in the late summer of 2009, Licensee and his spouse developed
8 a social relationship with Patient A and her spouse that included visits at their respective
9 homes, play dates for their children, and social interaction that included the consumption of
10 alcohol. Licensee and Patient A developed a close personal relationship during this time that
11 included inappropriate physical contact that violated the ethical principles for obstetricians
12 and gynecologists, which states that: "Sexual contact or a romantic relationship between a
13 physician and a current patient is always unethical."

14 4.

15 Licensee and the Board desire to settle this matter by entry of this Stipulated Order.
16 Licensee understands that he has the right to a contested case hearing under the
17 Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and
18 finally waives the right to a contested case hearing and any appeal therefrom by the signing of
19 and entry of this Order in the Board's records. Licensee admits that he engaged in the conduct
20 described in paragraph 3 and that this conduct violated ORS 677.190(1)(a) unprofessional or
21 dishonorable conduct, as defined in ORS 677.188(4)(a). Licensee understands that this Order
22 is a public record and is a disciplinary action that is reportable to the National Data Bank and
23 the Federation of State Medical Boards. This Order becomes effective the date it is signed by
24 the Board Chair.

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5.

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

5.1 Licensee is reprimanded.

5.2 Licensee must pay a fine of \$2500, payable in full within 60 days from the signing of this Order by the Board Chair.

5.3 Licensee must successfully complete a boundaries course that is pre-approved by the Board's Medical Director.

5.4 Licensee must develop and maintain a therapeutic relationship with a provider who has been pre-approved by the Board's Medical Director and must sign all necessary releases to allow direct communication between the provider and the Board's designee.

5.5 Licensee stipulates that he will obey all laws and regulations pertaining to the practice of medicine.

5.6 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).

IT IS SO STIPULATED this 20 day of March, 2013.

SIGNATURE REDACTED

MARTIN LYN MEINIG, MD

IT IS SO ORDERED this 4 day of April, 2013.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

ROGER MCKIMMY, MD
Board Chair

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
JEANETTE CLAIRE PAYSSE, MD) STIPULATED ORDER
LICENSE NO. MD 26435)

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. Jeanette Claire Paysse, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On December 21, 2011, the Board opened an investigation into Licensee's conduct based upon credible reports of erratic behavior at the clinic where she worked as well as possible substance abuse. Board investigators met with Licensee on January 23, 2012. During the meeting, Licensee acknowledged that she smoked marijuana frequently and that she does not have a medical marijuana card. The Board investigators directed Licensee to undergo a hair and urine screening test within 24 hours, but she failed to comply. Additionally, Board investigators recovered evidence that the licensee had been unlawfully obtaining controlled substances from local pharmacies. This behavior violates the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(7) impairment; ORS 677.190(17) willfully violating any Board rule or order; ORS 677.190(23) violating the federal Controlled Substances Act; and ORS 677.190(24) prescribing controlled substances without a legitimate purpose.

3.

Licensee and the Board agree to close this investigation with this Stipulated Order in which Licensee agrees to surrender her license while under investigation, consistent with the

1 terms of this Order. Licensee understands that she has the right to a contested case hearing under
2 the Administrative Procedures Act (chapter 183), Oregon Revised Statutes and fully and finally
3 waives the right to a contested case hearing and any appeal therefrom by the signing of and entry
4 of this Order in the Board's records. Licensee neither admits nor denies, but the Board finds that
5 she engaged in the conduct described in paragraph 2 above and that this conduct violated the
6 Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as
7 defined in ORS 677.188(4)(a); ORS 677.190(7) impairment; ORS 677.190(17) willfully
8 violating any Board rule or order; ORS 677.190(23) violating the federal Controlled Substances
9 Act; and ORS 677.190(24) prescribing controlled substances without a legitimate purpose.
10 Licensee understands that this document is a public record and is reportable to the National
11 DataBank and the Federation of 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 Licensee surrenders her license to practice medicine while under investigation.
16 This surrender of license becomes effective the date the Board Chair signs this Order.

17 4.2 Licensee is prohibited from applying for a license to practice medicine for a
18 minimum of two years from the date this Order is signed by the Board Chair.

19 4.3 Throughout the time that the medical license of Licensee remains in surrendered
20 status, Licensee is prohibited from practicing any form of medicine.

21 4.4 If Licensee should reapply for licensure in the State of Oregon, any or all of the
22 issues raised during the course of the Board's investigation will be reviewed and Licensee will
23 be required to demonstrate her competency and her ability to safely practice medicine.

24 4.5 The Interim Stipulated Order of February 21, 2012, will terminate upon the
25 signing of this Stipulated Order by Board Chair.

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1 4.6 Licensee stipulates and agrees that any violation of the terms of this Order would
2 be grounds for further disciplinary action under ORS 677.190(17).

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IT IS SO STIPULATED this 27 day of March, 2013.

SIGNATURE REDACTED

JEANNETTE CLAIRE PAYSSE, MD

IT IS SO ORDERED this 4 day of April, 2013.

OREGON MEDICAL BOARD
State of Oregon

SIGNATURE REDACTED

ROGER M. MCKIMMY, MD
BOARD CHAIR

1 cost of the hearing within 90 days from the date the Board issued the Bill of Costs. The Bill
2 of Costs reflected that the total cost of the hearing was \$26,170.16, and was due on June 4,
3 2008. Licensee paid the \$5,000 civil penalty in full. Licensee made one payment of \$1,000
4 towards the Bill of Costs on July 30, 2009. He subsequently made 3 late payments in 2011
5 and 2012 totaling \$2,000. Licensee currently owes \$23,170.16 on the Bill of Costs. Licensee
6 has provided past verbal assurances during his probation interviews that he would pay the Bill
7 of Costs. Licensee has failed to pay the Bill of Costs in full, and therefore, has failed to
8 comply with the Board's Final Order.

9 3.2 Licensee has acquired a laser system (Zerona) that he intends to use for "lipo
10 sculpting" procedures in his clinic. Licensee made this acquisition instead of making
11 payments to the Board as required by the 2008 Final Order. Licensee acknowledges that he
12 has used this laser system "mostly on office staff."

13 4.

14 Licensee and the Board desire to settle this matter by entry of this Stipulated Order.
15 Licensee understands that he has the right to a contested case hearing under the
16 Administrative Procedures Act (chapter 183); Licensee fully and finally waives the right to a
17 contested case hearing and any appeal therefrom by the signing of and entry of this Order in
18 the Board's records. Licensee admits that he engaged in the conduct described in paragraph 3
19 and that this conduct violated ORS 677.190(17) willfully violating any board rule, board order
20 or board request. Licensee understands that in view of his history of previous disciplinary
21 action and his repeated failure to pay his Bill of Costs, that this is a **last chance agreement**.
22 Licensee understands that the Board's decision to allow him to retain his medical license is
23 predicated upon his strict compliance with the terms and conditions of this Order. Licensee
24 understands and agrees that any failure on his part to comply with the terms of this Order will
25 result in Board action to revoke his medical license and to impose a \$10,000 civil penalty and
26 additional costs.

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2 Licensee and the Board agree that the Board will close the investigation and resolve
3 this matter by entry of this Stipulated Order, and that Licensee agrees to fully comply with the
4 following terms and conditions:

5 5.1 Licensee is reprimanded.

6 5.2 Licensee's medical license is placed on permanent probation. Licensee must
7 report in person to the Board at each of its quarterly meetings at the scheduled times for a
8 probation interview, unless otherwise directed by the Board's Compliance Officer or its
9 Investigative Committee.

10 5.3 Licensee agrees that upon signing this Order, Licensee must immediately pay
11 \$5,000 to the Board in partial payment of the \$23,170.16 that he currently owes in costs to the
12 Board. Licensee further agrees that he will pay \$500.00 on the first of each month thereafter
13 until he renders payment in full to the Board for the Bill of Costs.

14 5.4 Licensee is prohibited from acquiring or using (either by purchase or lease or
15 any other means) any electronic equipment or device used to diagnose or treat any medical
16 condition or disease in any clinical setting where he practices medicine unless he first fully
17 informs the Board's Medical Director in writing and obtains prior written approval.

18 5.5 Licensee may submit a request to modify Term 5.2 and Term 5.4, two years
19 after he has completely satisfied Term 5.3, contingent on his compliance with all other terms
20 and obligations of this Order and the 2008 Final Order.

21 5.6 All terms and conditions of the 2008 Final Order, not otherwise modified by
22 this Order, remain in full force and effect.

23 5.7 Licensee stipulates that he will obey all laws and regulations pertaining to the
24 practice of medicine.

25 5.8 Licensee understands that any violation of the terms of this Order constitutes
26 grounds for immediate suspension, revocation and other disciplinary action under ORS
27 677.190(17).

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
MARK DAVID SHELNUTT, MD) STIPULATED ORDER
LICENSE NO. PG157541)

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 David Shelnett, MD (Licensee) is a licensed physician (Limited License, Post Graduate, expired) in the state of Oregon.

2.

The Board is prepared 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 fine, and assessment of costs, pursuant to ORS 677.205 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).

3.

Licensee entered into an Interim Stipulated Order (ISO) with the Board on March 7, 2013, in which he agreed to voluntarily withdraw from the active practice of medicine. As a result, Licensee's Limited License, Post Graduate, expired on March 7, 2013. The terms of the ISO provided that Licensee could reapply for a Limited License, Post Graduate, upon completion of the Board's investigation. The Board's investigation is now complete.

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

3.1 After graduating from University of Arkansas for Medical Sciences on May 15, 2011. Licensee subsequently enrolled in an internal medicine residency at Providence St.

1 Vincent, in Portland, Oregon. Licensee engaged in unacceptable attitudinal and professional
2 behavior during his residency. On June 8, 2011, Licensee resigned from this residency in lieu
3 of termination for "sustained unprofessional conduct."

4 3.2 Licensee started training in the Oregon Health Science University (OHSU)
5 General Adult Psychiatry program on April 1, 2012 as a resident. Licensee began working on
6 the Inpatient Psychiatry ward. Licensee engaged in conduct that reflected poorly on his
7 personal integrity and accuracy in charting and reporting of medical findings. Licensee was
8 placed on administrative leave on October 9, 2012.

9 4.

10 Licensee and the Board agree to close this investigation with this Stipulated Order in
11 which Licensee agrees to make his voluntary withdrawal from the practice of medicine
12 permanent and while under investigation, consistent with the terms of this Order. Licensee
13 understands that he has the right to a contested case hearing under the Administrative
14 Procedures Act (chapter 183), Oregon Revised Statutes and fully and finally waives the right
15 to a contested case hearing and any appeal therefrom by the signing of and entry of this Order
16 in the Board's records. Licensee stipulates that he engaged in the conduct described in
17 paragraph 3 above and that this conduct violated the Medical Practice Act, to wit: ORS
18 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a); and
19 gross or repeated acts of negligence, in violation of ORS 677.190(13). Licensee understands
20 that this document is a public record and is reportable to the National Data Bank and the
21 Federation of State Medical Boards.

22 5.

23 Licensee and the Board agree to resolve this matter by the entry of this Stipulated
24 Order, subject to the following conditions:

25 5.1 Licensee withdraws from the practice of medicine while under investigation,
26 and understands that his Limited License, Post Graduate is expired.

1 5.2 Licensee is prohibited from applying for a Limited License, Post Graduate, or
2 a license to practice medicine, for a minimum of two years from the date this Order is signed
3 by the Board Chair.

4 5.3 Licensee stipulates and agrees that any violation of the terms of this Order
5 would be grounds for further disciplinary action under ORS 677.190(17).

6 5.4 This Order becomes effective, and the Interim Stipulated Order terminates,
7 upon the signature of the Board Chair

8

9 IT IS SO STIPULATED this 3rd day of April, 2013.

10

(SIGNATURE REDACTED

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MARK DAVID SHELNUTT, M.D.

12

13 IT IS SO ORDERED this 4 day of April, 2013.

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OREGON MEDICAL BOARD
State of Oregon

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SIGNATURE REDACTED

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ROGER MCKIMMY, MD
BOARD CHAIR

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
VERNON HOWARD USHER, MD) STIPULATED ORDER
LICENSE NO. MD09413)
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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. Vernon Howard Usher, MD (Licensee) is a physician licensed to practice medicine in the state of Oregon.

2.

On July 12, 2012, the Board issued a Complaint and Notice of Proposed Disciplinary Action. 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 he engaged in the conduct alleged in the Board's Complaint and Notice.

3.

Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order in which he retires his medical license and the Board closes the current investigation, subject to the following conditions:

3.1 Licensee retires his license to practice medicine while under investigation effective the date this Order is signed by the Board Chair. His license becomes inactive on the date that Licensee signs this Order.

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
JANICE MARIE VAUGHN, MD) STIPULATED ORDER
LICENSE NO. MD12709)

1.

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. Janice Marie Vaughn, MD (Licensee) is a licensed physician in the state of Oregon

2.

Licensee is a board certified anesthesiologist and practices in Portland, Oregon. The Board conducted a review of Licensee's anesthesia charts, which raised certain concerns. On January 11, 2013, 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, and assessment of costs, pursuant to ORS 677.205 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) and ORS 677.190(13) gross or repeated negligence in the practice of medicine.

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 conduct that violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as
2 defined by ORS 677.188(4)(a) and ORS 677.190(13) gross or repeated negligence in the practice
3 of medicine. Licensee understands that this Order is a public record and is a disciplinary action
4 that is reportable to the National Data Bank and the Federation of State Medical Boards.

5 4.

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

8 4.1 The medical license of Licensee is limited to the extent that Licensee must not
9 provide general or regional (to include epidural) anesthesia to patients. This Order does not
10 prohibit Licensee from providing local anesthesia to her patients.

11 4.2 Within six months from the signing of this Order by the Board Chair, Licensee
12 must successfully complete a medical documentation course pre-approved by the Board's
13 Medical Director.

14 4.3 Licensee's medical charts and practice location(s) are subject to no notice
15 compliance audits by the Board's designees.

16 4.4 Licensee stipulates and agrees that this Order becomes effective the date it is
17 signed by the Board Chair.

18 4.5 Licensee must obey all federal and Oregon state laws and regulations pertaining
19 to the practice of medicine.

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1 of Health and Human Services Division of Public Health (Department) opened an investigation
2 and determined that Licensee engaged in unprofessional conduct by repeatedly attempting to hire
3 an adult female patient to have sex with a third party and by taking a photograph of this patient,
4 while she was partially nude, in his clinic after normal clinic hours. Licensee also gave this
5 patient money on multiple occasions. On June 28, 2010, the Department issued an Amended
6 Petition for Disciplinary Action that listed the alleged misconduct stemming from the criminal
7 case. On July 7, 2010, Licensee's Agreed Settlement was approved by the Department, in which
8 Licensee admitted to the allegations set forth in the Amended Petition for Disciplinary Action
9 and agreed to receive a censure, to pay a civil penalty of \$5,000 and to a 60 day suspension of his
10 Nebraska medical license. Licensee's Nebraska medical license was also placed on probation for
11 18 months, with various specified terms and conditions of probation, to include undergoing
12 weekly mental health sessions.

13 3.2 Licensee submitted an initial application for Oregon medical license in February
14 2010 and disclosed his arrest and conviction in Nebraska. As part of the application review
15 process, Licensee was interviewed by a Committee of the Board in March 2011. During this
16 interview, Licensee disclosed his conduct with a female patient that led to his arrest and
17 conviction in Nebraska. Licensee also disclosed a consensual intimate relationship with a
18 separate female patient in Nebraska. Licensee denied any other sexual relationships with
19 patients or that he was the subject of any other investigations. During this interview, Licensee
20 reported that he had developed good insight into the professional boundary violation he had
21 engaged in and had developed an ethics presentation on this matter for medical staff at the
22 facility in Nebraska.

23 3.3 Based upon the events set forth above, Licensee entered into a Stipulated Order
24 with this Board, which was approved on April 8, 2011. Licensee was reprimanded and placed on
25 terms of probation. As part of the Board's monitoring process for probation, Board staff worked
26 with the Licensee to facilitate the presentation of his ethics presentation that included
27 PowerPoint slides. Licensee submitted a copy of the presentation to the Board's Medical

1 Director for review. The slides contained several inappropriate cartoons that revealed a lack of
2 insight in regard to professional boundaries.

3 3.4 On August 18, 2011, Licensee signed a Consent Agreement with the New Mexico
4 Medical Board in which Licensee withdrew his application for a license to practice medicine in
5 New Mexico while under investigation. Licensee failed to report this official action within 10
6 days as required by ORS 677.415 (4).

7 3.5 The Board's current investigation has revealed additional allegations of sexual
8 misconduct in the state of Nebraska, to include police investigations in regard to Licensee's
9 interaction with two women. In his initial application for an Oregon medical license, Licensee
10 answered "no" to personal history question #8, which asked: "Have you been contacted by or
11 asked to make a response to any governmental agency in any jurisdiction regarding any criminal
12 or civil matter of which you are the subject, whether or not a charge, claim or filing with a court
13 actually occurred?" Licensee's answer is not true.

14 4.

15 Licensee and the Board agree to close this investigation with this Stipulated Order in
16 which Licensee agrees to surrender his license while under investigation, consistent with the
17 terms of this Order. Licensee understands that he has the right to a contested case hearing under
18 the Administrative Procedures Act (chapter 183), Oregon Revised Statutes and fully and finally
19 waives the right to a contested case hearing and any appeal therefrom by the signing of and entry
20 of this Order in the Board's records. Licensee stipulates that he engaged in the conduct
21 described in paragraph 3 above and that this conduct violated the Medical Practice Act, to wit:
22 ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a)
23 and ORS 677.190(8) fraud or misrepresentation in applying for a license to practice medicine in
24 this state, and ORS 677.190 (17) willfully violating any rule adopted by the Board or any Board
25 order or any Board request. Licensee understands that this document is a public record and is a
26 disciplinary action that is reportable to the National DataBank and the Federation of State
27 Medical Boards. This Order becomes effective the date it is signed by the Board Chair.

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

5.1 Licensee surrenders his license to practice medicine while under investigation.

This surrender of license becomes effective the date the Board Chair signs this Order.

5.2 Licensee must pay a civil penalty of \$2,500 within 60 days from the date the

Board Chair signs this Order.

5.3 Licensee is prohibited from applying for a license to practice medicine for a

minimum of three years from the date this Order is signed by the Board Chair.

5.4 Licensee understands that in the event he should submit an application to practice

medicine with this Board, he must provide evidence sufficient to prove to the satisfaction of the

Board that he possesses good moral character as described in ORS 677.100(1)(d) and that he has

the current medical knowledge and clinical competence to practice medicine safely.

5.5 The Stipulated Order of April 8, 2011, terminates upon the signing of this

Stipulated Order by the Board Chair.

5.6 Licensee stipulates and agrees that any violation of the terms of this Order would

be grounds for further disciplinary action under ORS 677.190(17).

IT IS SO STIPULATED this 23 day of March, 2013.

SIGNATURE REDACTED

NAVID DARIUS YAZDI, M.D.

IT IS SO ORDERED this 4 day of April, 2013.

OREGON MEDICAL BOARD

State of Oregon

SIGNATURE REDACTED

ROGER MCKIMMY, MD

BOARD CHAIR