



*The mission of the Oregon Medical Board is to protect the health, safety, and wellbeing of Oregon citizens by regulating the practice of medicine in a manner that promotes access to quality care.*

## Osteopathic Surgeon Joins Board

**A**t the April meeting, the Board swore in its newest member, K. Dean Gubler, DO.

Dr. Gubler is a board certified surgeon at Pacific Surgical, P.C., in Portland, Oregon. He certified in general surgery and critical care from the American Board of Surgery and in preventative medicine from the American Board of Preventative Medicine. Dr. Gubler is a Clinical Professor of Surgery at the Western University of Health Science College of Osteopathic Medicine in Pomona, California; an Affiliate Professor in the Division of Trauma, Critical Care and Acute Care Surgery at Oregon Health & Sciences University in Portland, Oregon; and an Adjunct Associate Professor of Surgical Critical Care and Preventative Medicine at Touro University, the College of Osteopathic Medicine in Vallejo, California.

Dr. Gubler is a Utah native who attended the University of Utah and earned his Bachelor of Science in Biology. He earned a medical degree from the College of Osteopathic Medicine and Surgery in Des Moines, Iowa. Dr. Gubler completed a family practice internship at the Naval Hospital in Bremerton, Washington. While in the United States Marine Corps, he acted as a flight surgeon and trained in tropical medicine before



completing a general surgery residency at the Naval Regional Medical Center in Oakland, California. Dr. Gubler also completed a residency in preventative

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### Statement of Purpose:

*The OMB Report is published to help promote medical excellence by providing current information about laws and issues affecting medical licensure and practice in Oregon.*

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[www.Oregon.Gov/OMB](http://www.Oregon.Gov/OMB)

## FAQs from the OMB

### Q: When do I have to report an encounter with the police?

A: Oregon Revised Statute (ORS) 676.150 and Oregon Administrative Rule (OAR) 847-010-0073 require licensees to report any arrest for a felony or any conviction for a misdemeanor or felony within ten days after the arrest or conviction.

### Q: Do I have to report if the police stop me, but do not arrest me?

A: If the police stop you, but issue no citation, you do not have to report it. You also do not have to report minor traffic citations such as parking or speeding tickets.

### Q: Do I have to report a DUII received while I wasn't on call; what if it's later expunged?

A: The duty to report extends to licensees convicted of a misdemeanor or felony or who are arrested for a felony crime (ORS 676.150). Licensees are also required to report an "official action" taken against them, including any formal action taken against a licensee by a government agency based on a finding of medical incompetence, unprofessional conduct, physical incapacity or impairment (ORS 677.415(1)(b)). Arrests, convictions and official actions subsequently expunged or revoked must still be reported.



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## Submit Your Question

Do you have a question you'd like answered in an *Oregon Medical Board Report*? Send it in for an upcoming Frequently Asked Questions column.

E-mail your question to  
[OMBReport@state.or.us](mailto:OMBReport@state.or.us).

# Oregon Medical Board's 125th Anniversary

The Oregon Medical Board celebrates its 125<sup>th</sup> anniversary this year. Established in 1889, the legislature created the Board to regulate the practice of medicine in order to protect Oregon citizens from unauthorized or unqualified persons. The Board originally consisted of three board members and monitored only medical physicians. Today, the Board consists of twelve board members and oversees over 18,000 professionals, including medical and osteopathic physicians, podiatric physicians, physician assistants, and acupuncturists. The Board is also responsible for establishing the scope of practice for Emergency Medical Services Providers.



Since 1889, the Board has been responsible for regulating the practice of medicine in Oregon through licensing, investigation, and discipline in order to fulfill its mission of protecting the health, safety, and wellbeing of Oregon citizens. The Board is privileged to work with Oregon's physicians, physician assistants and acupuncturists, who constitute one of the finest groups of health care professionals in the country, in helping support this mission. The Board will be commemorating 125 years of dedicated service to protecting the public and enhancing the medical profession. +

# Oregon Medical Board:

## Key Performance Measure Results

The Oregon Medical Board uses performance measures to ensure the agency is fulfilling their mission to protect the health, safety, and wellbeing of the public. The key performance measures cover our Licensing, Investigations, and Administrative functions. The measures are representative of overall agency functioning and performance.

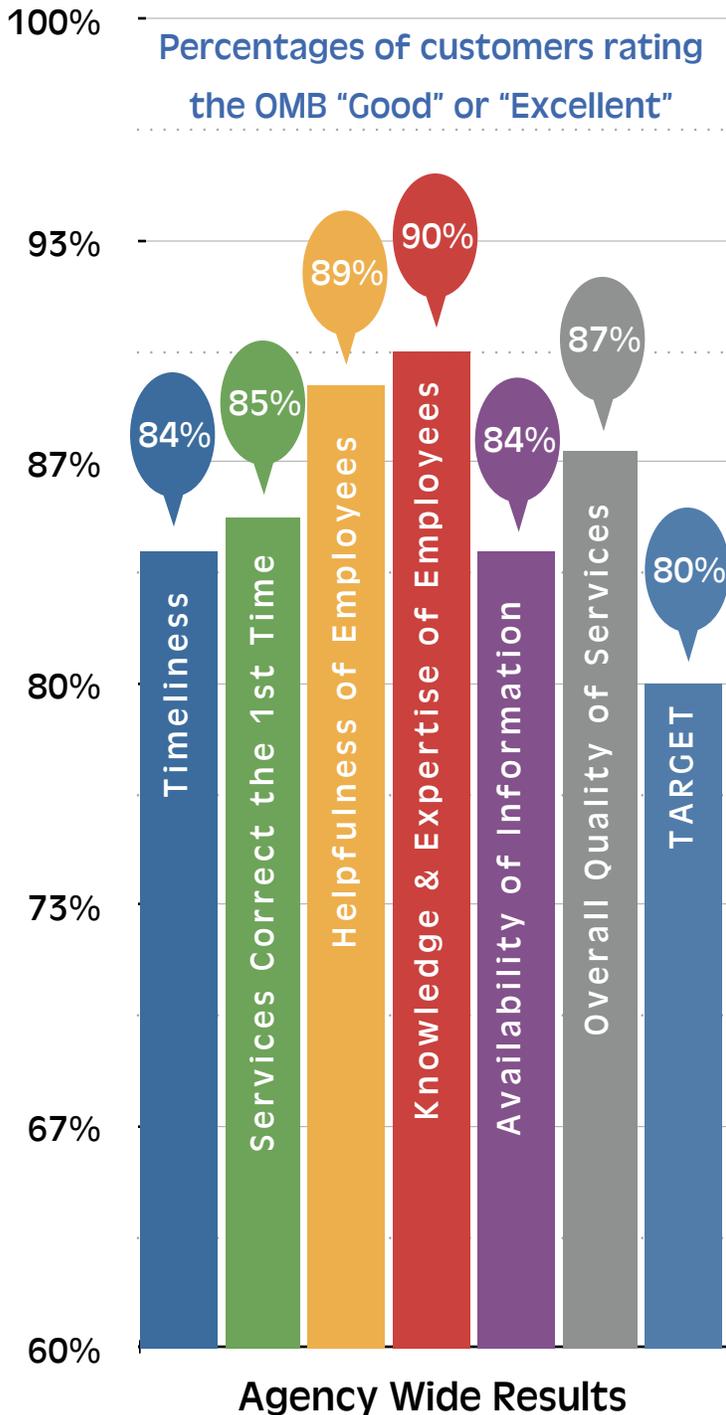
Measure	2010	2011	2012	2013
License Appropriately	✓	✓	✓	✓
Discipline Appropriately	✓	✓	✓	✓
Monitor Licensees who are Disciplined	✓	✓	✓	✓
License Efficiently	✓	✓	✓	✓
Renew Licenses Efficiently	✓	✓	✓	✓
Customer Satisfaction	✓	✓	✓	✓
Board Best Practices	✓	✓	✓	✓

✓ Target Met or Exceeded

Note: All statistics are based on fiscal years.

# Customer Satisfaction Survey Results

July 1, 2013 to December 31, 2013



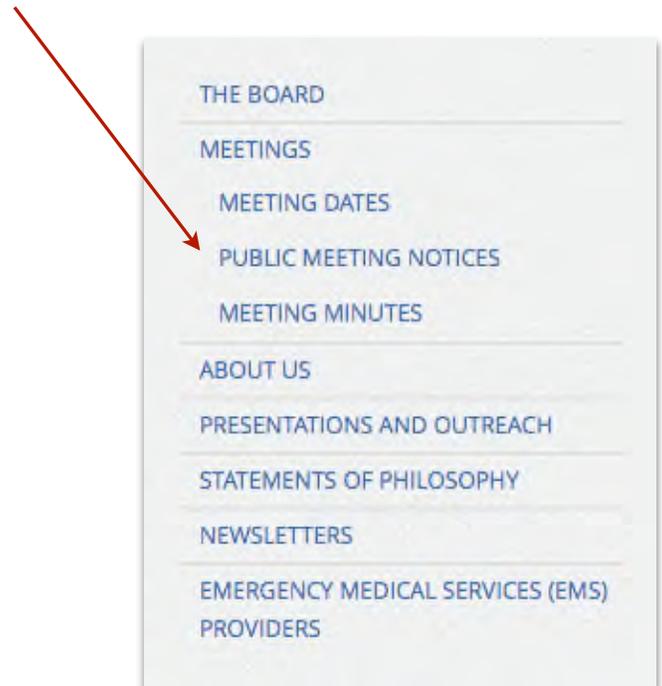
Your opinion matters! Please complete our Customer Satisfaction Survey at [www.surveymonkey.com/s/OMBsatisfaction](http://www.surveymonkey.com/s/OMBsatisfaction).



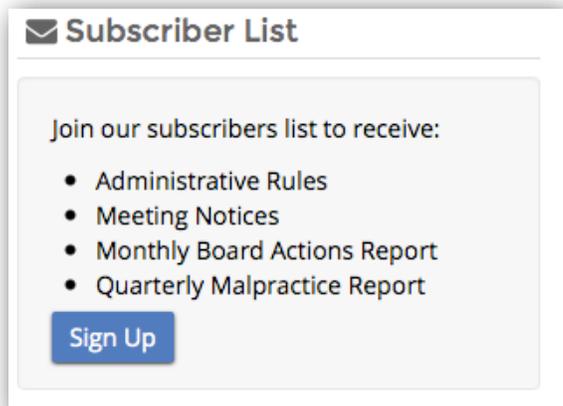
## Public Meeting Notices

The OMB posts monthly public meeting notices on its website to encourage public involvement and maintain transparency.

To view the information, click on "The Board" at the top of the OMB homepage. Then, on the left side menu, choose **MEETINGS**, then select **PUBLIC MEETING NOTICES**.

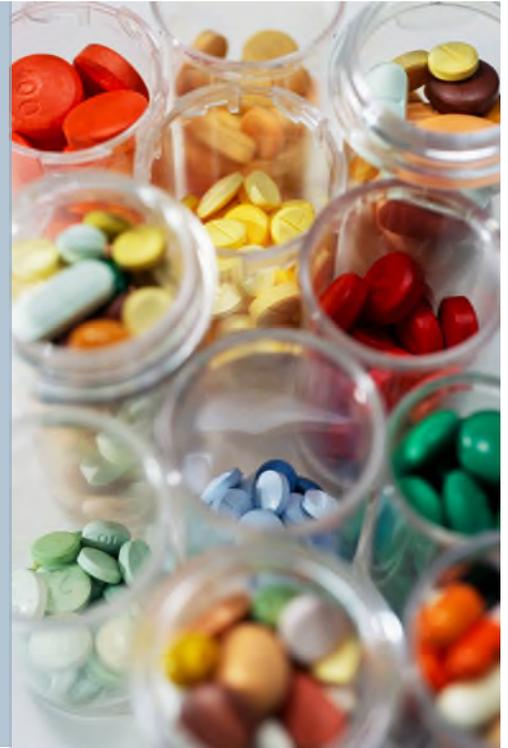


To have the notices e-mailed directly to you, sign up on the OMB homepage by scrolling to the bottom and clicking "Sign Up" or by visiting [www.oregon.gov/OMB/contact/Pages/Subscriber-List-Overview-Page.aspx](http://www.oregon.gov/OMB/contact/Pages/Subscriber-List-Overview-Page.aspx).



## CLINICAL PEARLS FROM THE MEDICAL DIRECTOR

The Prescription Drug Monitoring Program (PDMP) is a useful tool for practitioners to monitor controlled substances dispensed to their patients, which can ultimately improve the quality of care. A statewide electronic database, the PDMP provides a way for practitioners and pharmacists to identify and address the risks and side effects from the medications and determine which medications are most appropriate. New legislation in 2013 now authorizes practitioners to delegate PDMP access to qualified office staff, permits prescribers to review prescriptions dispensed under their DEA number, and provides access to prescribers in neighboring states who treat Oregon patients. For more information on the Oregon PDMP, visit [www.orpdmp.com](http://www.orpdmp.com). +



## Public Health Survey on Emergency Communication

In 2005, a train derailment in Graniteville, S.C. caused a chlorine gas release. Eight people died and more than 200 sought medical treatment. Knowing that an environmental exposure or outbreak has occurred locally, before patients arrive for treatment, can help providers adequately prepare for the situation.

The Tri-County Health Officer is working to ensure providers have accurate, timely information when such public health issues emerge. Providers can sign up for these public health notifications and receive information on the device of their choice.

This July, Dr. Paul Lewis, the Tri-county Health Officer for Clackamas, Multnomah and Washington Counties, will send all licensed MDs, DOs, and PAs in these counties a brief, secure survey. The survey will let providers choose how to be notified for critical public health information. In the first survey conducted in 2012, most providers chose a text to their mobile phones for urgent situations and e-mail for routine information.

Survey participation will not lead to excessive e-mails or texts, Dr. Lewis says. "Since 2012, we have only used the

survey information twice: once for a Hepatitis A outbreak, and the other time for an extensive measles exposure."

In addition, Dr. Lewis wants his fellow providers to know that the survey information is stored locally on secure Multnomah County servers to maintain the integrity of all contact information.

A survey link will be sent to the e-mail address used when renewing your medical license. Dr. Lewis encourages providers to respond to the survey, allowing the Public Health Departments to best serve you, your patients and the community. +

## Osteopathic Surgeon Joins Board

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the University of Washington in Seattle, Washington. Remaining at the University of Washington, Dr. Gubler earned his Masters of Public Health and then completed his fellowship in surgical critical care and trauma at Harborview Medical Center.

He succeeds Ralph A. Yates, DO, who completed two consecutive terms after joining in 2008. Dr. Yates played an integral role while serving on the Board. In 2010, he helped form and later chaired the Health Professionals' Program Liaison Committee, which enhanced communication between the Board, the program and licensees, while maintaining confidentiality, protecting the public and providing care for licensees. During the course of his tenure, Dr. Yates dedicated himself to the Board by participating and chairing the Investigative Committee, Administrative Affairs Committee, Legislative Advisory Committee, and Board/ Attorney Liaison Committee. He served as Board Chair in 2011. +

### Acupuncture Renewal is Here!

Current acupuncture licenses expire June 30, 2014. Any renewals not submitted and paid for prior to this date will be assessed an \$80 late fee and the license will lapse. Renewing acupuncturists should ensure that their Continuing Medical Education requirements are fulfilled.

Renew now from the OMB's homepage at [www.Oregon.Gov/OMB](http://www.Oregon.Gov/OMB).



## Acupuncture Committee Opening

The Board's **Acupuncture Advisory Committee** is seeking an acupuncturist member. The Committee makes recommendations to the Board on licensing, investigations, education and issues related to acupuncture in Oregon. It is composed of three acupuncturists, two physicians and one Board member. The term of office is four years. Committee meetings occur twice a year, with additional meetings or conference calls if necessary.

Application materials must be submitted by October 15, 2014. Interested applicants may contact the Board at 971-673-2700 or visit [www.oregon.gov/omb/board/Pages/Board-and-Committee-Vacancies.aspx](http://www.oregon.gov/omb/board/Pages/Board-and-Committee-Vacancies.aspx). +

### Did you know...



A small portion of MD and DO licensing fees support the Oregon Health Science University library, allowing licensee access to resources. Resources include a collection of over **75** textbooks in medicine and the basic sciences through a program called Access Medicine, which can be customized and viewed on mobile devices. Learn additional information and sign up at [www.ohsu.edu/xd/education/library/orhp.cfm](http://www.ohsu.edu/xd/education/library/orhp.cfm).

## FAQs from the OMB

(Continued from page 2)

Such offenses or arrests do **not** automatically result in license revocation, suspension, fine, civil penalty or discipline. Through its mission to protect the public, the OMB has to make sure that you don't have a condition that compromises your professional function and patient care.

**Q: ORS 676.150 states if you have cause to believe another licensee has engaged in prohibited or unprofessional conduct, you must report it. If I see another health care professional engaged in unprofessional conduct, to whom do I report?**

A: You must report to the licensing agency of the healthcare professional engaged in unprofessional activity. For example, if the conduct is that of a physician, podiatrist, acupuncturist or physician assistant, you must report to the OMB. If the conduct is that of a nurse, you must report to the Oregon State Board of Nursing, etc.

**Q: If I report, do I have civil liability?**

A: No. Persons who make 'good faith' reports regarding licensee actions are immune from civil liability.

**Q: If I report, will the licensee I reported know my identity?**

A: A report made by a reporting licensee is confidential under ORS 676.175.

**Q: I witnessed unprofessional conduct by another licensee. What happens if I don't report what I witnessed?**

A: If you fail to report, it could be considered a Class A misdemeanor. You could also be investigated and disciplined by the Board for failure to report. +

## Board Actions

January 11, 2014 to April 4, 2014

*Many licensees have similar names. When reviewing Board Action details, please review the record carefully to ensure that it is the intended licensee.*

### Interim Stipulated Orders

*These actions are not disciplinary because they are not yet final orders, but are reportable to the national data banks.\**

**JOHNSON, Kevin R., MD; MD16564  
Portland, OR**

On March 5, 2014, Licensee entered into an Interim Stipulated Order to voluntarily limit his practice of medicine to taking patient histories and performing examinations, pending the completion of the Board's investigation into his ability to safely and competently practice medicine.

**KLEINERT, Kathleen M., DO; DO153515  
Springfield, OR**

On April 1, 2014, Licensee entered into an Interim Stipulated Order to voluntarily withdraw from the practice of medicine and place her license in Inactive status pending the completion of the Board's investigation into her ability to safely and competently practice medicine.

### Disciplinary Actions

*These actions are reportable to the national data banks.\**

**BECKMANN, Brooke R., DPM; DP00434  
Salem, OR**

On January 30, 2014, the Board issued an Amended Default Final Order for unprofessional or dishonorable conduct, impairment, and incapacity to practice medicine or podiatry. This Order revokes his podiatric license.

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# Board Actions

(Continued from page 7)

## **ANDREWS, David A., MD; MD09145 Hillsboro, OR**

On April 3, 2014, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; gross or repeated acts of negligence; willfully violating any Board rule or order; violation of the federal Controlled Substances Act; and prescribing controlled substances without a legitimate medical purpose or following accepted procedures for examination of patients and record keeping. This Order reprimands him; assesses a \$5,000 civil penalty; requires that he complete a course on professional boundaries; places him on probation; prohibits him from prescribing to family members; requires approval of any practice setting; and prohibits him from acting as a supervising physician to a physician assistant.

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Please read the full *OMB Report* for all the Board's news and ways to improve your practice. Previous issues of the *OMB Report* can be found at [www.Oregon.Gov/OMB/Board/Pages/Newsletters.aspx](http://www.Oregon.Gov/OMB/Board/Pages/Newsletters.aspx).

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## **BERNARDO, Peter A., MD; MD17631 Salem, OR**

On April 3, 2014, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct and repeated negligence in the practice of medicine. This Order reprimands him; assesses a \$5,000 fine; prohibits him from performing laparoscopic procedures involving a body cavity or open surgeries

with an overnight stay without a board-certified surgeon assistant; prohibits him from using the Visiport trocar; requires approval of any practice location; requires that he allow for open communication between the Board and any practice location; and places him on probation.

## **COOK, Robert D., MD; MD07347 Lake Oswego, OR**

On February 6, 2014, Licensee entered into a Stipulated Order with the Board for unprofessional conduct. This Order prohibits him from performing shoulder surgeries and assesses a fine of \$5,000.

## **LIU, Michael Liang S., MD; MD21008 McMinnville, OR**

On April 3, 2014, Licensee entered into a Stipulated Order with the Board. This Order retires his medical license while under investigation.

## **WONG, Charles M., MD; MD14849 Gresham, OR**

On April 3, 2014, Licensee entered into a Stipulated Order with the Board for unprofessional or dishonorable conduct; gross or repeated negligence in the practice of medicine; and prescribing a controlled substance without a legitimate medical purpose, or prescribing controlled substances without following accepted procedures for examination of patients, or prescribing controlled substances without following accepted procedures for record keeping. This Order reprimands him; assesses a civil penalty of \$2,500; places him on probation; requires him to complete a prescribing course; and limits his prescribing of Schedule II and III medications.

## Prior Orders and Agreements Modified or Terminated

### **BRANCH, Benjamin F., DO; DO29119 Medford, OR**

On April 3, 2014, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's July 12, 2012, Stipulated Order.

### **BROOKWALTER, Matthew M., DPM; DP00347 Chinle, AZ**

On April 3, 2014, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's July 9, 2009, Corrective Action Agreement.

### **CARLSON, Deborah L., MD; MD22867 Salem, OR**

On April 3, 2014, the Board issued an Order Terminating Consent Agreement. This Order terminates Licensee's April 4, 2013, Consent Agreement.

### **COYNE, Kelly S., PA; PA162024 Gresham, OR**

On March 21, 2014, the Board issued an Order Terminating Consent Agreement. This Order terminates Licensee's July 11, 2013, Consent Agreement.

### **DAY, Floyd D., MD; MD05881 Portland, OR**

On April 3, 2014, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's January 13, 2005, Stipulated Order.

### **ELLISON, John H., MD; MD06289 Hillsboro, OR**

On April 3, 2014, the Board issued an Order Terminating Corrective Action Order. This Order terminates Licensee's September 5, 2002, Corrective Action Order.

### **LOONEY, Warren H., MD; LL15716 Lufkin, TX**

On April 3, 2014, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's October 12, 2006, Stipulated Order.

### **ROBINSON, Gregory E., MD; MD16711 Portland, OR**

On April 3, 2014, the Board issued an Order Terminating Stipulated Order. This Order terminates Licensee's March 1, 2012, Stipulated Order.

### Did you know...



The Topics of Interest section on the OMB's website provides helpful information on a variety of issues. To view topics visit [www.oregon.gov/omb/Topics-of-Interest/Pages/Topics-of-Interest-Overview.aspx](http://www.oregon.gov/omb/Topics-of-Interest/Pages/Topics-of-Interest-Overview.aspx).

### **STADTLANDER, Sean M., MD; MD19575 Newberg, OR**

On April 3, 2014, the Board issued an Order Terminating Corrective Action Agreement. This Order terminates Licensee's January 13, 2011, Corrective Action Agreement.

### **WHITE, Kris R., LAc; AC160155 Portland, OR**

On April 3, 2014, the Board issued an Order Terminating Consent Agreement. This Order terminates Licensee's January 9, 2014, Consent Agreement.

### **WILSON, Benjamin R., MD; MD12349 Salem, OR**

On April 3, 2014, the Board issued an Order Modifying Revised Stipulated Order. This Order modifies Licensee's October 11, 2007, Order Modifying Stipulated Order.

# Non-Disciplinary Board Actions

(Continued from page 9)

January 11, 2014 to April 4, 2014

## Corrective Action Agreements

*These agreements are **not disciplinary** orders and are not reportable to the national data banks\* unless related to the delivery of health care services or a negative finding of fact or conclusion of law. They are public agreements with the goal of remediating problems in the Licensee's individual practices.*

**FITZSIMONS, Josephine M., MD; MD17657  
Bend, OR**

On April 3, 2014, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete a course in professionalism.

**GREGORY, Winn H., MD; MD22728  
Hermiston, OR**

On April 3, 2014, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete an education plan prepared by the Center for Personalized Education for Physicians (CPEP) and remain under the care of a provider.

**HANSEN, Vincent E., MD; MD10920  
Portland, OR**

On April 3, 2014, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to practice only in a pre-approved setting, make his practice available for no-notice audits by the Board, and continue his relationships with his healthcare providers.

**HSU, Monica, MD; MD155319  
Tulsa, OK**

On April 3, 2014, Licensee entered into a Corrective Action Agreement with the Board.

In this Agreement, Licensee agreed to practice under proctors and mentors and become board certified within two years. This Agreement outlines requirements for chart reviews and procedure observations by the proctors and mentors.

**LARSEN, Brian T., MD; MD165374  
Hermiston, OR**

On February 6, 2014, Applicant entered into a Corrective Action Agreement with the Board. In this Agreement, Applicant agreed to practice under the supervision of a mentor and establish care with a healthcare provider.

**LIENHARDT, Ashley E., PA; Applicant  
Portland, OR**

On April 3, 2014, Applicant entered into a Corrective Action Agreement with the Board. In this Agreement, Applicant agreed to practice only in a pre-approved practice setting. This Agreement outlines requirements for chart reviews by her supervising physician.

**PERRY, Bruce E., MD; MD16305  
Grants Pass, OR**

On April 3, 2014, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete courses on charting and vascular assessment.

**STARK, Allen L., MD; MD15722  
Lake Oswego, OR**

On April 3, 2014, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete a course in psychiatric pharmacology and complete a CPEP remediation plan to include establishing a relationship with an educational preceptor.

**TABOR, Mark E., PA; PA00726  
Astoria, OR**

On April 3, 2014, Licensee entered into a Corrective Action Agreement with the Board.

In this Agreement, Licensee agreed to an assessment at CPEP; complete the CPEP education plan recommended by CPEP, to include a post-education evaluation; and complete courses in medical documentation and workplace communication.

**VAJDOS, Margaret A., MD; MD19676  
Fairview, OR**

On April 3, 2014, Licensee entered into a Corrective Action Agreement with the Board. In this Agreement, Licensee agreed to complete courses on prescribing and charting, complete 20 hours of CME, and allow for chart review of chronic pain patients by a mentor.

## Consent Agreements

*These agreements are **not disciplinary** and are not reportable to the national data banks.\**

**HOWE, Gary A., PA; PA165991  
Burns, OR**

On February 6, 2014, Applicant entered into a Consent Agreement with the Board. In this Agreement, Applicant agreed to specific requirements regarding chart reviews from his supervising physician, and that his supervising physician would submit reports to the Board regarding his progress in his return to the practice of medicine.

*Current and past public Board Orders are available on the OMB website: [www.oregon.gov/omb/board/Pages/Board-Actions.aspx](http://www.oregon.gov/omb/board/Pages/Board-Actions.aspx).*

*\*National Practitioner Data Bank (NPDB) and Federation of State Medical Boards (FSMB). +*

### Board Action Subscriber's List

Want to stay updated on the Oregon Medical Board's latest Actions? Please join the Subscriber's List. You can sign up by going to <http://cms.oregon.egov.com/omb/board/Pages/Board-Actions.aspx> and following the link to be e-mailed when a new report is posted.

# Oregon Administrative Rules

*Rules proposed and adopted by the Oregon Medical Board.*

The Oregon Medical Board and other state agencies operate under a system of administrative rules to ensure fairness and consistency in procedures and decisions. Periodically, these Oregon Administrative Rules (OARs) must be amended in response to evolving standards and circumstances. OARs are written and amended within the agency's statutory authority granted by the Legislature.

Rules go through a First and Final Review before being permanently adopted. Temporary rules are effective after First Review, but they expire in 180 days unless permanently adopted after a Final Review. Official notice of rulemaking is provided in the Secretary of State *Bulletin*. The full text of the OARs under review and the procedure for submitting comments can be found at [www.oregon.gov/OMB/statutes/rules/Pages/RulesProposedAndAdoptedByTheOMB.aspx](http://www.oregon.gov/OMB/statutes/rules/Pages/RulesProposedAndAdoptedByTheOMB.aspx).

## Adopted Rules

*Final Review*

### All Licensees

**OAR 847-001-0045; 847-008-0003; 847-020-0183; 847-050-0043; 847-070-0045; and 847-080-0021:**

### Approval of Consent Agreements for Re-entry to Practice

The new rule and amendments delegate authority to the Executive Director and Medical Director to review and approve the terms and conditions in a Consent Agreement for re-entry to practice.

### OAR 847-005-0005: Fees

The rule amendments decrease the Data Order Charges fees to accurately reflect the current costs in fulfilling the request. The rule amendments also contain housekeeping changes regarding license statuses. +

**Oregon Medical Board**  
1500 SW 1st Ave, Suite 620  
Portland, OR 97201  
971-673-2700  
[www.Oregon.Gov/OMB](http://www.Oregon.Gov/OMB)

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PERMIT, No.

## **NEW CONTACT INFORMATION?**

You are required by law to notify the Board within 30 days of changing your practice address or mailing address.

Log onto [www.Oregon.Gov/OMB](http://www.Oregon.Gov/OMB) and click "Change of Address" under "Applicant/Licensee Services" to update your practice, residence, mailing and e-mail addresses along with your telephone numbers.

## **CONTACT THE OMB**

Tel: 971-673-2700  
Toll free: 1-877-254-6263  
1500 S.W. 1st Avenue Suite 620  
Portland, OR 97201

All meetings are held at the OMB office in Portland unless otherwise indicated. Schedules are subject to change.

[www.Oregon.Gov/OMB](http://www.Oregon.Gov/OMB)

## **CALENDAR OF MEETINGS**

July 10-11, 8 a.m.  
**Board Meeting**

August 7, 7:30 a.m.  
**Investigative Committee**

August 22, 9 a.m.  
**EMS Advisory Committee**

September 4, 7:30 a.m.  
**Investigative Committee**

September 10, 5 p.m.  
**Administrative Affairs Committee**

September 11, 9:30 a.m.  
**Physician Assistant Committee**

October 2-3, 8 a.m.  
**Board Meeting**