

5th DAY OF August 1987
Dr. Hugh B. Johnson BEFORE THE BOARD OF MEDICAL EXAMINERS
Secretary - Treasurer OF THE STATE OF OREGON

3 IN RE THE MATTER OF THE LICENSE) ORDER ADOPTING HEARINGS
4 OF LYNN E. ANDERSON, M.D.,) OFFICER'S PROPOSED FINDINGS
5) OF FACT, CONCLUSIONS OF LAW,
6) OPINION AND ORDER

6 The board, having reviewed the attached Hearings Officer's
7 Proposed Findings of Fact, Conclusions of Law, Opinion and Order
8 ("Exhibit A") and having fully considered said Proposed Findings
9 and Order, Transcript of Proceeding and exhibits of the May 4,
10 1987, contested case proceeding, and having fully considered
11 licensee's written exceptions to the Hearings Officer's Proposed
12 Findings as well as hearing oral argument on said exceptions on
13 August 5, 1987, has, by unanimous vote on Wednesday, August 5,
14 1987, adopted and incorporated herein the said "Exhibit A" as the
15 Findings of Fact, Conclusions of Law, Opinion and Order of the
16 board, except for the following changes:

- 17 1. Finding of Fact VIII: "June 2" is changed to July 2, 1986;
- 18 2. Finding of Fact XV: "July 2" is changed to June 2, 1986.

19 IT IS THEREFORE ORDERED that the license to practice medi-
20 cine in Oregon of Lynn E. Anderson is hereby revoked.

21 DATED this 5th day of August, 1987.

22 BOARD OF MEDICAL EXAMINERS
23 OF THE STATE OF OREGON
24 BY: [Signature] *R.S.D.*
25 Chairman

26 NOTICE: You are entitled to judicial review of this order.
Judicial review may be obtained by filing a petition
for review within 60 days from the service of this
order. Judicial review is pursuant to the provisions
of ORS 183.482.

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF OREGON

IN RE THE MATTER OF THE LICENSE)
)
 of) PROPOSED FINDINGS OF
) FACT, CONCLUSIONS OF
) LAW, OPINION AND ORDER
LYNN E. ANDERSON, M.D.)

This proceeding was heard by Robert M. Keating, hearings officer assigned by the Board, on May 4, 1987, at Portland, Oregon. The Board was represented by Walter Barrie, Assistant Attorney General, and Dr. Lynn E. Anderson, Licensee, appeared in person and was represented by Samuel A. Abady and Roscoe Nelson, her attorneys. The record of this proceeding including the transcript of testimony and all admitted exhibits, as well as all motions and memoranda submitted by counsel, have been reviewed and considered. The following findings of fact and conclusions of law are proposed based upon the entire record.

FINDINGS OF FACT

I.

Lynn Ellen Anderson, M.D., is currently licensed by the Oregon State Board of Medical Examiners to practice medicine in the State of Oregon.

II.

Licensee received an invitation from the Board of Medical Examiners for an informal interview on November 2, 1983, and she attended such interview; she received an invitation for an informal interview by the Board of Medical Examiners on March 6, 1985, which she attended, and she received an invitation for

an informal interview with the Board of Medical Examiners on April 11, 1985, which she attended.

III.

Licensee received a request for informal interview with the Investigative Committee of the Board of Medical Examiners of the State of Oregon to be held on July 2, 1986. The informal interview of July 2, 1986, was to cover different subject matter from the previous informal interviews of November 2, 1983, March 6, 1985, and April 11, 1985. The informal interview of July 2, 1986, was to discuss the Licensee's care of four patients, i.e., Preston Fullbright, deceased, Tom Hutchinson, Cindi Niedermeyer and Mary Lou Brown, deceased.

IV.

On June 2, 1986, Licensee was served with subpoena duces tecum issued by the Oregon State Board of Medical Examiners over signature of its executive secretary pursuant to ORS 677.320(2)(e)(3) requiring production and surrender to the Oregon State Board of Medical Examiners of copies of all medical records and patient charts regarding Preston Fullbright, deceased, Tom Hutchinson, Cindi Niedermeyer and Mary Lou Brown, deceased.

V.

Licensee had not, through the date of the hearing in this matter, produced or surrendered to the Oregon State Board of Medical Examiners the medical records and patient charts regarding patients mentioned in the subpoena.

VI.

Licensee appeared at the informal interview of July 2, 1986, accompanied by counsel, Mr. Samuel A. Abady.

VII.

At the meeting of July 2, 1986, Licensee did not produce the patient records which were the subject of the subpoena of June 2, 1986. Dr. Anderson and her counsel were advised that the Board of Medical Examiners was in the process of carrying out an investigation of several complaints against Dr. Anderson but that there had been no charges filed against her.

VIII.

At the meeting of June 2, 1986, counsel for Licensee advised the Investigative Committee that in his opinion the Board of Medical Examiners had no independent power to compel subpoena compliance but must seek compliance through an order of the Circuit Court and reserved the right to decide whether the documents covered by the subpoena would be produced ". . . depend[ing] on what happens here today." Counsel refused to acknowledge whether he had the records in his possession during the informal interview of Dr. Anderson on the care rendered these patients.

IX.

On September 9, 1986, the Board of Medical Examiners, by certified mail, gave notice to Licensee that she was to appear before the full Board at 9:00 a.m. on October 10, 1986, pursuant to ORS 677.4135(3) and to bring her medical records on the four

patients whose records were the subject of the subpoena of June 2, 1986. Licensee was advised in that notice that refusal of the request for informal interview could result in disciplinary action at the Board's discretion.

X.

On October 8, 1986, counsel for Dr. Anderson advised the counsel to the Board, Mr. Walter Barrie, that his client would not appear at the October 10, 1986, informal interview. He advised Mr. Barrie that it was his intention to seek declaratory and injunctive relief regarding the Board's actions.

XI.

Licensee knowingly failed to appear for the requested interview on October 10, 1986.

XII.

On October 10, 1986, Licensee made application to the presiding judge of the Circuit Court of the State of Oregon for the County of Multnomah for a temporary restraining order restraining the Oregon Board of Medical Examiners from (1) enforcing its subpoena duces tecum, (2) suspending or revoking plaintiff's license to practice medicine, or (3) imposing other disciplinary sanctions. Licensee did not seek an order temporarily restraining the request for informal interview.

XIII.

The Honorable Clifford B. Olsen, Circuit Court Judge, acting presiding judge for the Circuit Court of Multnomah County, denied Licensee's request for a temporary restraining order.

XIV.

On October 10, 1986, Licensee filed her complaint in the Circuit Court of Multnomah County seeking the following relief:

(a) Enjoining and prohibiting the Board from taking any disciplinary action affecting Dr. Anderson's license to practice medicine.

(b) Declaring ORS 677.190(23) unconstitutional.

(c) Declaring ORS 677.990 unconstitutional.

(d) Declaring that physicians cannot be compelled to appear for repeated "informal interviews" in any one investigation.

(e) Declaring ORS 677.415(3) unconstitutional.

(f) Enjoining and prohibiting the Board from taking any disciplinary action affecting her license to practice medicine for her failure to comply with defendant's demand for a second "informal interview".

(g) Quashing the Board's subpoena issued June 2, 1986.

Plaintiff's complaint seeking such equitable relief was dismissed for lack of jurisdiction.

XV.

Licensee refused to honor the subpoena of June 2, 1986, on the advice of her counsel.

XVI.

Licensee refused the request for informal interview of October 10, 1986, on the advice of counsel.

XVII.

On October 10, 1986, the full Board directed that a formal complaint be sworn against Licensee for her failure to honor the subpoena and refusing the request for informal interview.

XVIII.

On October 21, 1986, counsel for Licensee advised the Board by letter that he assumed the Board would take no action regarding Licensee pending court decision and threatening litigation should the Board do so.

IXX.

On October 23, 1986, the complaint in this proceeding was verified.

XX.

The Board's decision to initiate contested case proceedings was made before receipt of counsel's letter of October 21, 1986.

XXI.

The Board's decision to initiate contested case proceedings was not because of Licensee's decision to file her complaint in Circuit Court, but rather because of her failure to cooperate with the Board's investigation.

MOTION

Dr. Anderson, by her counsel, has filed with the hearings officer a motion to dismiss this proceeding on the following grounds:

(a) The request for informal interview.

1. ORS 677.415(3) provides that "the Board may request an informal interview the licensee," which limits the Board to one informal interview per subject matter and the request for informal interview of October 10, 1986, was the second with regard to the same matter.

2. An "informal interview" pursuant to ORS 677.415(3) is a "contested case" under ORS 183.310(2)(a)(B) as "a proceeding for an agency where the agency has discretion to suspend or revoke a right or privilege of a person" entitling Dr. Anderson to certain procedural protections which she was not afforded.

3. Licensee's refusal of the invitation to informal interview cannot be the basis of disciplinary action since she sought judicial relief.

(b) The subpoena of June 2, 1986.

1. The Board's exclusive remedy for failure to honor its subpoena is to seek relief in the Circuit Court to institute proceedings of contempt to compel obedience and is not contemplated as a basis for discipline under ORS 677.190(18).

2. Licensee cannot have willfully failed to honor the subpoena since she challenged its validity in court.

(c) Constitutional challenge to ORS 677.

1. The statute unconstitutionally delegates authority to the Oregon State Board of Medical Examiners since ORS 677.990 provides that any violation of Chapter 677 constitutes criminal conduct and the rule making power given to the Board under the

statute thereby delegates a purely legislative function to an administrative agency.

2. ORS 677.190(18) is unconstitutionally vague.

3. ORS Chapter 677 violates the due process requirements of the Fourteenth Amendment of the United States Constitution in that the Board's power to compel informal interview on pain of discipline entitled the Licensee to (a) investigation only upon verified complaints, and (b) disclosure to the licensee of the information giving rise to the complaint, and (c) that due process entitles her to a minimum threshold showing that the complaint giving rise to the Board's investigation is authentic and of sufficient substance to warrant an investigation.

It is recommended that the motion to dismiss be denied.

PRELIMINARY
CONCLUSIONS OF LAW

1. ORS 677.320 authorizes the Board of Medical Examiners of the State of Oregon, upon the complaint of any citizen of the State or upon its own initiative, to investigate any alleged violation of ORS Chapter 677.

2. ORS 677.320 grants to the Board of Medical Examiners in the conduct of investigation the power to compel the production of books, papers, and documents pertaining to the matter under investigation by the issuance of subpoenas over the signature of the Executive Secretary and seal of the Board in the name of the State of Oregon.

3. ORS 677.320 imposes upon the licensees of the Board an obligation to honor subpoenas issued thereunder.

4. Willful failure to honor a subpoena issued by the Board constitutes a willful violation of the duties imposed upon licensee by ORS 677.320 and is a ground for suspension or revocation of a licensee's license to practice medicine in the State under ORS 677.190(18).

5. A duty to comply with the order continued from the time of issuance until such time as lawful authority relieves the licensee of the obligation.

6. An informal interview under ORS 677.415(3) is not a "contested case" under ORS 183.310(2)(a)(B) since it is not a proceeding where the Board has discretion to suspend or revoke a right or privilege.

ULTIMATE CONCLUSIONS OF LAW

1. Licensee's willful refusal to provide to the Oregon State Board of Medical Examiners the documents and medical records relating to the patient's named in the subpoena of June 2, 1986, before and during the interview of July 2, 1986, when she was being examined about the care rendered those patients and her refusal to comply with said subpoena upon further requests by the Board of Medical Examiners to produce said documents up to and through October 10, 1986, constituted a willful violation of the obligations imposed upon Licensee pursuant to ORS 677.320 and such failure constitutes a ground for revocation of Licensee's license under ORS 677.190(18).

2. Licensee's failure to attend the informal interview ordered by the Board pursuant to ORS 677.415(3) for October 10, 1986, constituted a willful refusal to attend an informal interview in violation of ORS 677.190(23) and constitutes grounds for revocation of her license to practice medicine in the State of Oregon.

SPECIAL CONCLUSION OF LAW

It is recommended that the Board conclude that Dr. Anderson's license be revoked for each of the conclusions set forth in the Ultimate Conclusions of Law, and it is the Board's intent that either one or both shall support the Board's order herein.

OPINION

Chapter 677 of the Oregon Revised Statutes creates the Oregon State Board of Medical Examiners and vests it with responsibility for licensing and regulating medical doctors and doctors of osteopathy through its investigatory, licensing and disciplinary functions. As part of the statutory scheme the legislature gave the Oregon State Board of Medical Examiners broad investigative powers including the authority to request that a licensee attend an informal interview to discuss areas under investigation and to compel the licensee to produce books, papers and documents pertaining to the matter under investigation and to issue subpoenas in exercising its authority. ORS 677.320. By plain meaning and implication of the provisions of ORS 677.320 licensees served with such subpoenas have an obligation imposed

upon them by that statute to comply with the subpoena until such time as they are relieved of that obligation by lawful authority. Failure to honor a subpoena issued pursuant to ORS 677.320 is a violation of the obligation imposed upon a licensee by that statute.

The legislature, to support the Board's investigative powers, provided to the Board the discretion to discipline a physician up to and including revocation of the physician's license for a failure to cooperate with the Board's investigation. ORS 677.190(23) provides such authority to the Board specifically for refusal to attend an informal interview when requested by the Board. Failure to honor a subpoena is a ground for discipline up to and including revocation and is included within the general language of ORS 677.190(18) which makes a ground for discipline willfully violating any provision of this chapter which would include ORS 677.320.

Licensee contends that the Board of Medical Examiners has but one option available to it upon a licensee's willful refusal to honor a subpoena, i.e., application to a circuit court for contempt proceedings. Such remedy is the only one available to the Board to use the contempt powers of the State to compel compliance. The contempt power includes the power to jail pending compliance. The legislature has not delegated that authority to the Board. It has, however, given the Board the authority to revoke a license it issues for failure to comply with its investigation. This is an option available to the Board.

The Board owes a responsibility to the people of the State of Oregon to assure the quality of medical care provided through its licensees. The position urged by Licensee would allow a physician actively engaged in the practice of medicine to frustrate and delay investigation of his or her practice and corrective action by the Board. It is precisely to avoid that possibility that the Board has been given the power to discipline its licensees for lack of cooperation with its investigations. ORS 677.015 sets forth the purposes of the Medical Practices Act in the following language:

"Recognizing that the practice of medicine is not a natural right of any person but is a privilege granted by legislative authority, it is necessary in the interests of the health, safety and welfare of the people of this state to provide for the granting of that privilege and the regulation of its use, to the end that the public is protected in the practice of medicine by unauthorized or unqualified persons and from unprofessional conduct by persons licensed to practice under this Chapter."

It is the legitimate policy of the State of Oregon that a physician who holds such privilege has consented to, as a condition of holding the privilege, full and free scrutiny of his or her exercise of that privilege by the State through this Board. Willful frustration of that scrutiny is grounds for discipline.

There is no significant factual dispute in this matter. An investigation was initiated into Licensee's care of four patients. Licensee sought legal counsel and was advised that she need not comply and cooperate with the Board's investigation

until such time as the Board provided to her information regarding the complaints. She was also advised that the Board's subpoena issued pursuant to ORS 677.320 had no legal affect until such time as a Circuit Court ordered her to comply. As a consequence, she never honored the subpoena. Dr. Anderson was also advised by counsel that the language of ORS 677.415(3) vesting the Board with the power to request "an" informal interview was limited to one informal interview per subject matter investigation. Since she attended the July 2, 1986, informal interview with the Investigative Committee with the Board, she was advised she had no legal obligation to comply with the request for meeting of October 10, 1986. Based on that and the other advice given by her counsel, she did not attend the informal interview with the full Board which was scheduled for October 10, 1986.

Likewise, it is uncontested that Licensee's last minute attempt, on October 10, 1986, to seek a restraining order preventing the Board from enforcing its subpoena was denied.

It is the opinion of this Board that Dr. Anderson did have the obligation to comply with the subpoena and to attend the informal interview. Only an order from a court restraining the subpoena or request would relieve her of that obligation.

Dr. Anderson's argument that ORS 677.415(3) is limited to a single informal interview is highly technical and entirely inconsistent with the purpose of the provision. The purpose is to facilitate the free flow of information to the Board so it can

carry out its functions should it become necessary. The Board was seeking to use the tools given it by the legislature of compelling the production of patient records and then discussing the issues regarding the care of those patients with Licensee. Licensee did not produce the records at the informal interview of the Investigative Committee of July 2, 1986, and thereby frustrated the Board from completing the interview. If Licensee's theory was correct, Licensee could frustrate the effectiveness of the informal interview by "forgetting" to bring pertinent documents or in some other way inhibiting the Board from learning pertinent facts through this mechanism. The Board would then be forever precluded from using this device for its obvious purpose. Reason requires that the statute be construed so as to give effect to its purpose. The Board has the right to conduct as many informal interviews as it deems necessary to adequately inform itself in the exercise of the judgments delegated to it by the State of Oregon.

Licensee's contention that the informal interview under ORS 677.415(3) is a "contested case" under the Administrative Procedure Act, and her further argument that due process entitles her to information regarding the origin of the investigation, a preliminary showing and a verified complaint are unfounded. All arguments turn upon the premise that the informal interview can result directly in disciplinary action affecting her license. The Board has no power at an informal interview to discipline. It is purely an investigative tool. Before discipline can be

taken based upon the results of the informal interview, licensee is entitled to receive material upon which the Board relies, a sworn complaint and the opportunity to be heard, all of which are provided at that stage by the Administrative Procedures Act. Before formal disciplinary procedures are initiated, no one is entitled the contents of the Board's investigative files pursuant to the provisions of ORS 677.425. That statute makes clear the legislative policy that the Board's investigative files be confidential precisely to facilitate the flow of information to the Board. Once the Board has decided to commence formal disciplinary procedures pursuant to ORS 677.200 due process and the statutes then entitle the licensee to discovery of that evidence developed by the Board's investigation upon which the Board intends to rely. This is a structure approved by our Court of Appeals in Greg v. Racing Commission, 38 Or App 19 (1979).

Licensee's arguments based upon ORS 677.990 are inapt. Assuming arguendo that the Licensee's arguments were meritorious, principles of constitutional interpretation would require that only those portions of the Act which affected the Licensee's rights in a criminal proceeding be stricken. Since this proceeding is not criminal in nature ORS 677.990 is not applicable. Further, at no time did Licensee assert as a basis for refusing to comply with the request for informal interview her right against self incrimination under the Fifth Amendment of the United States Constitution.

Licensee makes argument that the action was brought against her for improper motive arising out of a bias toward her school of medicine. Counsel has referenced certain statements made by Board members in discussing the case following the informal interview of July 2, 1986. The best that can be said in reading the evidence as a whole is that a number of members of the Board had significant concerns about some of Dr. Anderson's practices which is, of course, the reason they were conducting the investigation. Samuel v. Board of Chiropractic Examiners, 77 Or App 53 (1985), clearly establishes that holding beliefs different from those of a licensee is not a basis to challenge an agency action. If Licensee were to raise such a contention, she would have the burden of proving that individual members were personally biased against her. Licensee has made no effort to either formally raise the issue or to present evidence of personal bias. Neither has Licensee presented any authority for the proposition that due process requires that she be judged only by physicians who subscribe to her school of medicine.

Likewise, Licensee's assertion that this particular disciplinary action was brought as punishment for her filing the action in Circuit Court is without basis. Dr. Anderson was advised upon receipt of the invitation to the informal interview of October 10, 1986, that her failure to appear put her at risk of precisely this action. Upon her failure to appear on October 10, 1986, the Board voted to commence this proceeding. The decision was made before receipt of Mr. Abady's letter of

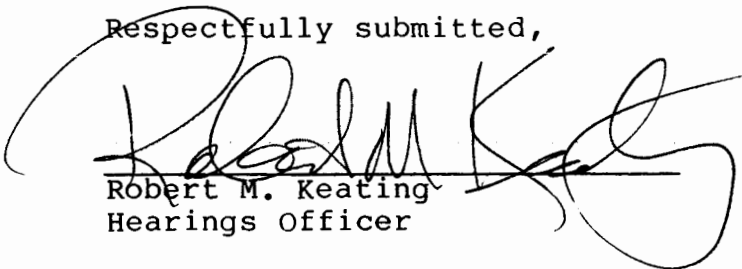
October 21 and indeed was taken approximately the same time that Judge Clifford Olsen was declining to issue a temporary restraining order directing the Board not to take disciplinary action.

Finally, is the question whether a licensee who fails to comply with requests for informal interview or subpoena upon advice of an attorney can be shielded from the consequences. The answer has to be no. Any other rule would operate to frustrate the legislative intent behind ORS 677. In this situation, Dr. Anderson was fully advised of the Board's legal position with regard to her obligation to attend an informal interview and the Board's position that it had discretionary authority under the statute to discipline her for failure to appear.

ORDER

It is hereby ordered that the license of Lynn E. Anderson, M.D., to practice medicine in the State of Oregon is revoked.

Respectfully submitted,


Robert M. Keating
Hearings Officer

18th DAY OF August 19 87

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 OF THE STATE OF OREGON

Secretary-Treasurer

3 In the Matter of
4 LYNN E. ANDERSON, M.D.

) FINDINGS OF FACT, CONCLUSIONS
) OF LAW AND ORDER DENYING STAY
) OF ENFORCEMENT OF BOARD ORDER

5 The board, by telephone conference call on August 18, 1987,
6 has reviewed licensee's request to stay the board's order of
7 August 5, 1987, revoking her license to practice medicine in
8 Oregon.

9 Requests to stay enforcement of an administrative order are
10 governed by ORS 183.482(3)(a)(b), which provide:

11 "(3)(a) The filing of the petition shall not stay
12 enforcement of the agency order, but the agency may do
so upon a showing of:

13 "(A) Irreparable injury to the petitioner; and

14 "(B) A colorable claim of error in the order.

15 "(b) When a petitioner makes the showing required
16 by paragraph (a) of this subsection, the agency shall
17 grant the stay unless the agency determines that sub-
18 stantial public harm will result if the order is
19 stayed. If the agency denies the stay, the denial
shall be in writing and shall specifically state the
substantial public harm that would result from the
granting of the stay."

20 IRREPARABLE INJURY

21 Licensee claims she will suffer irreparable injury as a
22 result of the board's order because:

- 23 1. It deprives her of her livelihood;
24 2. Without income from her practice she cannot continue to
25 prosecute her appeal;
26 3. Her patients will be deprived of her care.

1 The board fails to see how the loss of funds to prosecute an
2 appeal or depriving patients of licensee's care supports a claim
3 of irreparable injury. In addition, unless it can be said that
4 every revocation of a professional license amounts to a per se
5 irreparable injury without requiring any additional represen-
6 tations, the board finds that licensee has not established a suf-
7 ficient showing that she will be irreparably harmed by a failure
8 to stay the board's order.

9 COLORABLE CLAIM OF ERROR

10 Licensee was revoked by this board upon two independent
11 grounds:

12 (1) Refusing to appear at an informal interview with the
13 board on october 10, 1986, as provided in ORS 677.415(3). This
14 is clearly a ground for disciplinary action pursuant to ORS
15 677.190(23). Licensee's contentions that because she challenged
16 the procedure in court, could only be required to attend one
17 informal interview, and that the informal interview was a con-
18 tested case proceeding, are found by the board to be frivolous
19 and totally devoid of presenting any colorable claim of error.

20 (2) Wilful refusal to honor a board subpoena for patient
21 records issued by the board on June 2, 1986, in violation of the
22 board's subpoena authority under ORS 677.320, constitutes a
23 ground for disciplinary action under ORS 677.190(18). Licensee
24 has cited no legal authority for the proposition that the board's
25 action was erroneous. The board finds no colorable claim of
26 error in licensee's contention.

SUBSTANTIAL PUBLIC HARM

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Although the board has found that irreparable harm was not sufficiently presented and that it does not find a colorable claim of error the board does further find that substantial public harm would result from the granting of a stay. The board subpoenaed four patient records from Dr. Anderson on June 2, 1986, pursuant to ORS 677.320. Two of those patients, at the time the subpoenas were issued, were deceased (see exhibit 1 to contested case proceeding). Licensee continues to refuse to comply with the board's subpoena to this date. The board is very concerned with the patient care rendered by licensee based upon information in its possession. The board refers to the transcript of the dialogue it had with Dr. Anderson on July 2, 1986, concerning these patients. (See Exhibit 3). The transcript of July 2, 1986, for example, reveals that a cancer patient was treated by Dr. Anderson in a hyperbaric chamber which exploded, seriously injuring the patient. This highly questionable treatment occurred in Dr. Anderson's absence and at a time when Dr. Anderson had left her patient in the care of naturopathic physicians, again, a questionable practice.

Since licensee has continued to deny the board access to her patient records the board cannot adequately assess the danger to the public which would exist if this licensee is granted a stay of the board's order and allowed to continue in practice.

ORS 677.015 is a declaration of legislative intent that the practice of medicine is not a natural right but a privilege

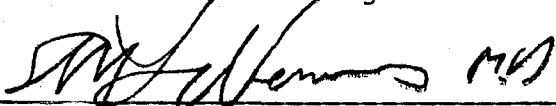
1 granted by legislative authority and that it is necessary, in the
2 interests of the health, safety and welfare of the people of this
3 state to protect the public from unqualified persons or unpro-
4 fessional conduct by persons licensed to practice medicine.

5 The board finds that sufficient evidence is in its
6 possession regarding concern for patient safety (as contained in
7 Exhibit 3) that to allow licensee, who possesses the means to
8 disclose these records to the board, to continue to practice
9 medicine and at the same time obstruct the board's lawful
10 investigation of patient care does present a substantial harm to
11 the public.

12 NOW, THEREFORE IT IS ORDERED that licensee's request for a
13 stay pending judicial review of the August 5, 1987 Order revoking
14 licensee's license to practice medicine in Oregon is DENIED.

15 Dated this 18 day of August 1987.

16 Board of Medical Examiners
17 of the State of Oregon

18 
19 _____
20 Earle LeVernois, M.D., Chairman
21 Board of Medical Examiners

22 The decision to deny the Stay was by unanimous vote of
23 all Board Members on August 18, 1987.
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