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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of

JEFFREY JAMES RICHARDS, MD
LICENSE NO. MD24878

}
} STIPULATED ORDER
}

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. Jeffrey James Richards, MD (Licensee) is a psychiatrist who holds an inactive license to practice medicine in the state of Oregon.

2.

The Board opened an investigation in June 2007 after learning of Licensee's history of substance abuse and his failure to comply with the terms of his enrollment in the Board's Health Professionals Program (HPP). Licensee entered into an Interim Stipulated Order voluntarily withdrawing from the practice of medicine on June 21, 2007. The Board subsequently proposed taking disciplinary action 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 in ORS 677.188(4)(a); ORS 677.190(7) habitual or excessive use of intoxicants, drugs or controlled substances; ORS 677.190(8) fraud or misrepresentation in applying for or procuring a license to practice in this state, or in connection with applying for or procuring registration; ORS 677.190(14) gross or repeated acts of negligence; ORS 677.190(18) willfully violating any provision of the Medical Practice Act or Board rule; ORS 677.190(24) violation of the federal Controlled Substances Act; ORS 677.190(26) failure to report to the Board any adverse action taken against him for conduct that would constitute grounds for disciplinary action; and ORS 677.415(4) that a Licensee shall self-report within 10 working days any official action taken against the Licensee.

The acts and conduct alleged to violate the Medical Practice Act follow:

3.1 Licensee enrolled in HPP in October 2006. Licensee subsequently underwent multiple urine tests. Between November 3, 2006, and April 28, 2007, Licensee was determined to have submitted 9 different dilute urine samples, and 6 samples that tested positive for 1 or more of the following substances: ethanol, methamphetamine (Schedule I), oxazepam (Schedule IV, Serax), and temazepam (Schedule IV, Restoril). Licensee entered inpatient treatment on April 30, 2007, but he left the treatment center against medical advice on May 15, 2007. Licensee subsequently agreed to enter another inpatient treatment and was scheduled for admission on June 4, 2007, but Licensee failed to admit himself into treatment as previously agreed with HPP. As a result, HPP reported Licensee as non-compliant to the Board. Licensee also engaged in other non-compliant behavior while in HPP, to include submitting dilute urine samples, failure to maintain an Antabuse log, missed appointments, inconsistent taking of naltrexone, consuming intoxicants during his enrollment in HPP when he had agreed to maintain sobriety, and leaving an evaluation center and residential treatment without prior notice or any medical justification. Licensee admits to using methamphetamine once in late April 2007 and drinking wine once in July 2007. Licensee has been diagnosed as being alcohol dependent with physiological dependence. Licensee subsequently requested to return to HPP, which denied his request on September 25, 2007, because of his history of being non-compliant with the multiple terms of his HPP contract.

3.2 In 2002, Licensee was convicted of driving under the influence of intoxicants (DUI) in San Diego, California, and police reports have test results which show that he was under the influence of methamphetamine and alcohol. In July 2004, Licensee was arrested in New Mexico for aggravated DUI and failure to maintain his traffic lane. His breathalyzer test on the day of his arrest was .21 percent blood-alcohol level. Licensee failed to appear at a hearing in Gallup, New Mexico, in August 2004, and a bench warrant for his arrest was thus issued. His criminal case remains open, and an arrest warrant for him remains in existence. In September 2005, Licensee was arrested for assault, strangulation and harassment in Portland, Oregon, and he was convicted of one count of misdemeanor

1 harassment in October 2005. Licensee was placed on probation for 18 months in Multnomah County,
2 Oregon, for the harassment conviction. Licensee was arrested and cited in September 2006 for DUII,
3 reckless driving, criminal mischief, and hit and run in Portland, Oregon. Another charge of failure to
4 appear in court was added to his criminal case. This charge, however, was later dismissed. On
5 September 28, 2007, Licensee was convicted of the DUII, reckless driving, and hit and run in
6 Multnomah County, Oregon, and he was ordered to spend two days in jail, serve one year suspension of
7 his driver's license, pay a fine of \$1,500, sell his vehicle, and undergo three years of enhanced court
8 probation.

9 3.3 Licensee obtained an unlimited license to practice medicine in Oregon in January 2004.
10 He had previously practiced medicine in the states of California, Massachusetts, Pennsylvania and New
11 York. In his application for an Oregon license that he submitted in November 2003, and in his
12 application for licensure renewal in 2005, Licensee answered "no" to the questions as to whether he had
13 been convicted of any felony or misdemeanor in the past five years in any state or jurisdiction.
14 Licensee's answers were not truthful.

15 3.4 Licensee failed to self-report to the Board his conviction from September 28, 2007, of the
16 DUII in Multnomah County, Oregon, as was required under ORS 677.415(3) and (4) and OAR 847-010-
17 0073. He also failed to report to the Board any of his arrests within the required ten (10) working days
18 under ORS 677.415.

19 3.5 During the summer of 2007, Licensee was enrolled in an inpatient substance abuse
20 treatment program in Newberg, Oregon. Licensee left this program against medical advice and without
21 first notifying the evaluators, program coordinators, or any counselor in early July of 2007. On
22 December 27, 2007, Licensee submitted a dilute urine sample for testing, and on January 4, 2008,
23 Licensee failed to submit a urine sample. On January 7 and 30, 2008, Licensee submitted urine samples
24 that were tested and again found dilute. In the spring of 2008, Licensee completed an intensive inpatient
25 evaluation and treatment program in Chicago. In late June 2008, Licensee requested voluntary urine
26 testing about one to two times a month through a private company called RSS, and on July 14, 2008,
27 Licensee's urine tested positive for ethanol and was dilute. On or around August 11, 2008, Licensee

1 instructed RSS, a drug and alcohol testing service in Tigard, Oregon, to suspend taking any urine
2 samples from him. RSS provides this testing service to the Board, HPP, other government agencies,
3 private companies, and voluntary participants. Two Board investigators visited Licensee on August 12,
4 2008 at his home, and they requested that he provide a urine sample that day or later that evening at his
5 home, through RSS, or at Work Safe Service, Inc., an independent testing lab located by his home near a
6 Portland hospital. Licensee failed to do so. Licensee left for vacation that evening, and when he
7 returned he requested RSS to resume testing on or around August 18, 2008. On August 18, 2008,
8 Licensee provided a urine sample that tested positive for ethyl glucuronide, which is a direct metabolite
9 of ethanol.

10 3.6 On September 4, 2008, Licensee appeared before the Board's Investigative Committee
11 for an interview. Licensee informed the Committee that his last drink of alcohol occurred on March 21,
12 2008. Nevertheless, Licensee provided a urine sample immediately following his interview on
13 September 4, 2008, that tested positive for ethyl glucuronide. Licensee has demonstrated himself to be
14 an unreliable historian in regard to his use of ethanol and controlled substances.

15 3.7 Licensee remains under investigation since the fall of 2007 by the state of New York's
16 Office of Professional Medical Conduct for his multiple criminal arrests and for his 2007 Interim
17 Stipulated Order with the Oregon Medical Board. On February 21, 2008, Licensee entered into a public
18 order with New York requiring that he cease any practice of medicine if he were to return to New York,
19 and that any final action by the New York agency is suspended, pending the resolution of the Board's
20 cases in Oregon.

21 3.8 From late August 2006 through late September 2006, Licensee treated patient A, who is a
22 58-year-old bipolar female patient, while he practiced in Salem, Oregon. The Board opened a case in
23 November 2006 regarding the allegations that Licensee switched psychotropic medications too rapidly
24 and without consulting this patient's treating psychiatrist. It is alleged that Licensee ignored glaring
25 symptoms that this patient was deteriorating and that Licensee failed to return phone calls from the
26 patient's family members. A third psychiatrist intervened and stabilized the patient during her month-
27 long hospitalization.

1 3.9 Licensee is alcohol dependent. Although Licensee is very familiar with the concepts and
2 language of addiction medicine and recovery, he has to date failed to demonstrate that he can abstain
3 from the use of alcohol and controlled substances and maintain sobriety.

4 4.

5 License and the Board desire to settle this matter by entry of this Stipulated Order. Licensee
6 understands that he has the right to a contested case hearing under the Administrative Procedures Act
7 (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case
8 hearing and any appeal there from by the signing of and entry of this Order in the Board's records.
9 Licensee admits to the conduct described in paragraph 3 and that this conduct violated the Medical
10 Practice Act set forth in paragraph 3 by violating ORS 677.190(1)(a) unprofessional or dishonorable
11 conduct, as defined in ORS 677.188(4)(a); ORS 677.190(7) habitual or excessive use of intoxicants,
12 drugs or controlled substances; ORS 677.190(8) fraud or misrepresentation in applying for or procuring
13 a license to practice in this state, or in connectin with applying for or procuring registration; ORS
14 677.190(14) gross or repeated acts of negligence; ORS 677.190(18) willfully violating any provision of
15 the Medical Practice Act or Board rule; ORS 677.190(24) violation of the federal Controlled Substances
16 Act; ORS 677.190(26) failure to report to the Board any adverse action taken against him for conduct
17 that would constitute grounds for disciplinary action; and ORS 677.415(4) that a Licensee shall self-
18 report within 10 working days any official action taken against the Licensee.

19 5.

20 Licensee and the Board agree that the Board will close this investigation and resolve this matter
21 by the entry of this Stipulated Order subject to the following conditions:

22 5.1 Licensee surrenders his license to practice medicine while under investigation. This
23 surrender becomes effective the date the Board Chair signs this Order.

24 5.2 Licensee will not practice any form of medicine, to include administrative medicine, self-
25 prescribing, treating and/or prescribing to his friends and family members, and independent medical
26 examinations.

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1 5.3 Licensee shall obey all federal and Oregon laws and regulations pertaining to the practice
2 of medicine.

3 5.4 Licensee understands that the Board will reopen this investigation in the event Licensee
4 should ever reapply for any form of a medical license in Oregon. Licensee further understands that he
5 will have the obligation to prove that he has achieved a verifiable record of sobriety that is constant,
6 unbroken, and relapse-free; that he is in active recovery that can be documented; and that he is competent
7 and safe to practice medicine.

8 5.5 Licensee stipulates and agrees that any violation of the terms of this Order shall be
9 grounds for further disciplinary action under ORS 677.190(18).

10 6.

11 This Order becomes effective the date it is signed by the Board Chair. Licensee understands that
12 this Order is a public record and is a disciplinary action that is reportable to the National Practitioner
13 Data Bank.

14
15 IT IS SO STIPULATED this 4th day of October, 2008.

16
17 SIGNATURE WITHHELD

18 ~~JEFFREY JAMES RICHARDS, MD~~

19
20 IT IS SO ORDERED this 16th day of October, 2008.

21 OREGON MEDICAL BOARD
22 State of Oregon

23 (SIGNATURE WITHHELD

24 PATRICIA L. SMITH
25 Board Chair
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