

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)	
JOHN PATRICK SCHRIMSHER, MD)	COMPLAINT & NOTICE OF PROPOSED
LICENSE NO. MD171625)	DISCIPLINARY ACTION

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. John Patrick Schrimsher, MD (Licensee) is a licensed physician in the State of Oregon.

2.

The Board proposes to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), which may include the revocation of license, a \$10,000 civil penalty, and assessment of costs, 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) any conduct or practice contrary to recognized standards of ethics of the medical profession or any conduct or practice which does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition which does or might adversely affect a physician's ability to safely and skillfully practice medicine; and ORS 677.190(17) willful violation of any rule adopted by the Board, specifically OAR 847-065-0055 Licensee Responsibilities.

3.

3.1 The American Medical Association has published a Code of Medical Ethics. Opinion 9.3.1 of this Code of Ethics reads in part, "Physicians should not practice if their ability to do so safely is impaired by use of a controlled substance, alcohol, other chemical agent or a health condition."

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1 3.2 Licensee is a psychiatrist and practiced medicine in Astoria, Oregon. Licensee's
2 acts and conduct alleged to violate the Medical Practice Act follow:

3 3.2.1 Licensee was reported to have consumed alcohol during the hours when
4 he was on duty as a physician at a behavioral health clinic. Consuming alcohol while on
5 duty in a health care setting violates ORS 677.190(1)(a) unprofessional or dishonorable
6 conduct, as defined in ORS 677.188(4)(a) any conduct or practice contrary to recognized
7 standards of ethics of the medical profession, or any conduct which does or might
8 constitute a danger to the health or safety of a patient or the public, or any conduct,
9 practice or condition which does or might adversely affect a physician's ability safely and
10 skillfully to practice medicine.

11 3.2.2 On February 26, 2019, Licensee signed a monitoring agreement with the
12 Health Professionals' Service Program (HPSP) in which he agreed to remain in
13 compliance with all the conditions of the agreement, to include abstaining from the use of
14 alcohol, calling an interactive voice response (IVR) number Monday through Saturday,
15 and to submitting to random toxicology testing as requested during the IVR call.
16 Licensee's enrollment in HPSP became effective on February 28, 2019. Licensee has
17 failed to comply with the terms of the HPSP Monitoring Agreement. Contrary to the
18 terms of the agreement, Licensee tested positive for alcohol on March 7, 2019, March 18,
19 2019, March 22, 2019, and August 2, 2019. Licensee failed to call the IVR number on
20 March 6, 2019, and from May 22, 2019 through July 1, 2019, which resulted in Licensee
21 missing numerous scheduled toxicology tests. On May 30, 2019, Licensee submitted a
22 urine specimen that was determined to be dilute. On the same date, a blood specimen
23 was obtained from Licensee that was determined to be positive for phosphatidyl ethanol.
24 Between March 15, 2019, and September 12, 2019, the Board received over 20 non-
25 compliance reports from HPSP detailing Licensee's failure to call daily for testing,
26 failure to contact his Agreement Monitor weekly, and refusal to enter inpatient treatment
27 when asked to do so. Each of these events represent an instance of substantial non-

1 compliance with the terms of the HPSP Monitoring Agreement, and constitute violations
2 of ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS
3 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the
4 medical profession, or any conduct which does or might constitute a danger to the health
5 or safety of a patient or the public, or any conduct, practice or condition which does or
6 might adversely affect a physician's ability to safely and skillfully to practice medicine;
7 and ORS 677.190(17) willful violation of any rule adopted by the Board, specifically
8 OAR 847-065-0055.

9 4.

10 Licensee is entitled to a hearing as provided by the Administrative Procedures Act
11 (chapter 183), Oregon Revised Statutes. Licensee may be represented by counsel at the hearing.
12 If Licensee desires a hearing, the Board must receive Licensee's written request for hearing
13 within twenty-one (21) days of the mailing of this Notice to Licensee. Upon receipt of a request
14 for a hearing, the Board will notify Licensee of the time and place of the hearing.

15 5.

16 5.1 If Licensee requests a hearing, Licensee will be given information on the
17 procedures, right of representation, and other rights of parties relating to the conduct of the
18 hearing as required under ORS 183.413(2) before commencement of the hearing.

19 5.2 In the event of a hearing, the Board proposes to assess against Licensee the
20 Board's costs of this disciplinary process and action, including but not limited to all legal costs
21 from the Oregon Department of Justice, all hearing costs from the Office of Administrative
22 Hearings, all costs associated with any expert or witness, all costs related to security and
23 transcriptionist services for the hearing and administrative costs specific to this proceeding in an
24 amount not to exceed \$50,000, pursuant to ORS 677.205(2)(f).

25 6.

26 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS:** Active Duty Servicemembers
27 have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For

1 more information contact the Oregon State Bar at 800-452-8260, the Oregon Military
2 Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office
3 through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-
4 free telephone number.

5 7.

6 Failure by Licensee to timely request a hearing or failure to appear at any hearing
7 scheduled by the Board will constitute waiver of the right to a contested case hearing and will
8 result in a default order by the Board, including the revocation of his medical license and
9 assessment of such penalty and costs as the Board deems appropriate under ORS 677.205. If a
10 default order is issued, the record of proceeding to date, including Licensee's file with the Board
11 and any information on the subject of the contested case automatically becomes a part of the
12 contested case record for the purpose of proving a prima facie case per ORS 183.417(4).

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14 DATED this 6 day of March, 2020.

15 OREGON MEDICAL BOARD
16 State of Oregon

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18 _____
19 NICOLE KRISHNASWAMI, JD
20 EXECUTIVE DIRECTOR
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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of:)
JOHN PATRICK SCHRIMSHER, MD)
LICENSE NO. MD171625) ORDER RESCINDING
) COMPLAINT & NOTICE OF PROPOSED
) DISCIPLINARY ACTION
)

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. John Patrick Schrimsher, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On March 6, 2020, the Board issued a Complaint and Notice of Proposed Disciplinary Action regarding Licensee. At its meeting on October 2, 2020, the Board voted to rescind the March 6, 2020, Complaint and Notice of Proposed Disciplinary Action. This action is effective the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 2nd day of October, 2020

OREGON MEDICAL BOARD
State of Oregon



KATHLEEN M. HARDER, MD
Board Chair