

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
POLY CHEN, MD) STIPULATED ORDER
LICENSE NO. MD29276)
)

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. Poly Chen, MD (Licensee) is a licensed physician in the state of Oregon.

2.

On October 15, 2015, the Board issued a Complaint and Notice of Proposed Disciplinary Action, in which the Board proposed taking disciplinary action pursuant to ORS 677.205(2), to 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); ORS 677.190(13) gross or repeated acts of negligence; and ORS 677.190(17) willfully violating any rule adopted by the Board.

3.

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 any violation but the Board finds that Licensee engaged in the conduct as described in the Complaint and Notice of October 15, 2015. Licensee understands that this Order is a public record and is a disciplinary action that is reportable to the National Data Bank and the Federation of State Medical Boards.

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

3 3.1 Licensee is reprimanded.

4 3.2 Licensee must pay a civil penalty of \$6,000, payable in full 60 days of the date the
5 Board Chair signs this Order.

6 3.3 Licensee is placed on probation for five years. Licensee must report in person to
7 the Board at each of its regularly scheduled quarterly meetings at the scheduled times for a
8 probationer interview unless directed to do otherwise by the Board or its Compliance Officer.

9 3.4 Licensee must have a physician who is pre-approved by the Board's Medical
10 Director to serve as practice consultant to review his practice and to provide recommendations to
11 improve the delivery of care and the quality of his chart notes. After reviewing Licensee's
12 practice, the practice consultant must submit a written report to the Board assessing Licensee's
13 practice, scheduling of procedures and the quality of his chart notes. Licensee must implement
14 the recommendations provided by the practice consultant.

15 3.5 Licensee must obtain a proctor who specializes in pain management and is pre-
16 approved by the Board's Medical Director to review Licensee's pain management cases, to
17 include assessing the appropriateness of any planned procedure and reviewing the post-operative
18 outcome. Licensee must not perform any invasive spinal procedure without having the proctor
19 review the case and approve the planned procedure. The proctor must submit written quarterly
20 reports to the Board.

21 3.6 Licensee must not serve as a supervising physician for any physician assistant,
22 nor act as a supervising physician agent for any physician assistant in the absence of the
23 approved supervising physician

24 3.7 Licensee stipulates and agrees that this Order becomes effective the date it is
25 signed by the Board Chair.

26 3.8 Licensee must obey all federal and Oregon state laws and regulations pertaining
27 to the practice of medicine.

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1 3.9 Licensee stipulates and agrees that any violation of the terms of this Order shall
2 be grounds for further disciplinary action under ORS 677.190(17).
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4 IT IS SO STIPULATED THIS 17 day of May, 2016.
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6 **SIGNATURE REDACTED**

7 POLY CHEN, MD

8 IT IS SO ORDERED THIS 7th day of July, 2016.
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10 OREGON MEDICAL BOARD
11 State of Oregon

12 **SIGNATURE REDACTED**

13 SHIRIN SUKUMAR, MD
14 BOARD CHAIR
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