

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
DIANE HENNACY POWELL, MD) STIPULATED ORDER
LICENSE No. MD25438)
)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain healthcare providers, including physicians, in the state of Oregon. Diane Hennacy Powell, MD, (Licensee) is a licensed physician in the state of Oregon.

2.

Licensee is a board-certified solo practitioner in Medford, Oregon. The Board initiated an investigation of Licensee's practice involving Patient A, who is a 59-year-old male patient with a long history of serious mental health conditions, multiple psychiatric admissions, suicidal ideation, and chemical dependency. A review of Licensee's practice and medical records show that Licensee was treating some patients living outside of Oregon primarily by telephone sessions and that Licensee's charting of other in-state patients did not comply with community standards. On October 8, 2010, the Board issued an Order of Emergency Suspension.

3.

Licensee and the Board desire to settle this matter by entry of this Stipulated Order. Licensee understands that she 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 or denies but the Board finds that she

1 engaged in the conduct described in paragraph 2 and that this conduct violated ORS
2 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a)(c); and
3 ORS 677.190(13) gross or repeated acts of negligence. Licensee understands that this Order is a
4 public record and is reportable to the National Practitioner Data Bank, Healthcare Integrity and
5 Protection Data Bank, and the Federation of State Medical Boards.

6 4.

7 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order.
8 Effective the date this Order is signed by the Board Chair, Licensee's Order of Emergency
9 Suspension from October 8, 2010, is terminated and Licensee is returned to practice subject to
10 the following terms and conditions:

11 4.1 Licensee will not conduct therapy or treatment sessions by telephone with any
12 patient except when a patient has a medical emergency requiring changes involving medications
13 or refills; and/or coordinating any continuity of care with other health care providers.
14 Subsequent to any telephone session occasioned by a medical emergency or changes involving
15 medications or refills, Licensee will meet with the patient face-to-face within a reasonable time
16 thereafter.

17 4.2 Licensee must complete a charting course that is pre-approved by the Board's
18 Medical Director within six months from the date that this Order is signed by the Board chair.

19 4.3 Licensee must have monthly chart review and mentoring by a board-certified
20 psychiatrist, who is pre-approved by the Board's Medical Director. This chart review and
21 mentorship shall last for six continuous months with the psychiatric mentor submitting monthly
22 reports to the Board's Medical Director. Any costs involving this mentorship shall be borne by
23 Licensee.


24 4.4 Licensee's practice setting and patient records may be subject to no-notice
25 inspections by the Board's Compliance Officer or investigative staff to ensure compliance with
26 the terms of this Order.

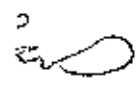
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

4.5 Licensee understands that violating any term of this Order will be grounds for disciplinary action under ORS 677.190(17).

IT IS SO STIPULATED THIS 5th day of January, 2011.

Signature Redacted

 DIANE HENNACY POWELL, MD



IT IS SO ORDERED THIS 13th day of January, 2011.

OREGON MEDICAL BOARD
State of Oregon

Signature Redacted

LISA CORNELIUS, DPM
Board Chair