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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of:)
MAURY NELSON BLITMAN, MD) STIPULATED ORDER
LICENSE NO. MD169632)
)

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. Maury Nelson Blitman, MD (Licensee) is a licensed physician in the state of Oregon.

2.

On July 5, 2017, the Board issued a Second Amended Complaint and Notice of Proposed Disciplinary Action in which the Board proposed taking disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 fine, and assessment of costs, 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 by ORS 677.188(4)(a) by engaging in conduct that is contrary to recognized standards of ethics of the medical profession and conduct that does or might constitute a danger to the health or safety of a patient or the public; ORS 677.190(13) gross or repeated acts of negligence; and ORS 677.415(4) Licensee shall self-report within 10 working days any official action taken against the Licensee.

3.

Licensee's acts and conduct that violated the Medical Practice Act follow:

3.1 Licensee has engaged in a pattern of disruptive behavior in a health care setting, the Corvallis Clinic. As a relatively new member of the staff, his interactions with other health care professionals and patients violated professional ethics by undermining trust; creating an

1 environment that strained relationships among patients, physicians and the healthcare team; cast
2 his professional integrity and judgment into doubt; and caused emotional distress in others.

3 Specific examples include the following:

4 a. Licensee approached a nurse he had not previously met following a
5 meeting (Tumor Board) at the Corvallis Clinic, and asked her using words to the effect
6 of: "Are you single, where do you pick up men?" The nurse replied by asking: "I'm
7 sorry, who are you?" Licensee responded that he was new to the area and was trying to
8 meet single women and wasn't sure where he should go. Licensee's comments struck the
9 nurse as being unprofessional and caused the nurse to feel very uncomfortable.

10 b. Licensee entered a patient care area in the Corvallis Clinic and began to
11 talk to the attending nurses about a personal matter. A nurse informed Licensee that "we
12 still have a patient here." Licensee failed to acknowledge the presence of the patient,
13 ignored the comment, and continued to talk about his personal matters.

14 c. Licensee made comments to a nurse (which she found unwelcome and
15 offensive) after hearing that another nurse was getting married to include the following:
16 "That is too bad that she is getting married soon—I really think she is great, I could really
17 go for her."

18 3.2 Patient A, an adult female, presented to Licensee on or about October 6, 2015, to
19 discuss her diagnosis of breast cancer. After a medical assistant took Patient A to an
20 examination room, recorded certain information and left the room, Licensee entered the room,
21 and discussed the cancer and options available for treatment. Licensee then asked Patient A if he
22 could see her breast. Patient A replied by asking "Now...here?" Licensee replied affirmatively
23 and remained seated facing Patient A while she lifted her shirt and removed her bra. Licensee
24 failed to comply with the standard of care and caused Patient A to suffer emotional distress by
25 failing to offer a chaperone or a gown and by remaining in the room while Patient A disrobed.

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3.3 Patient B, an adult female patient at the Corvallis Clinic, transferred her care to another physician, stating that Licensee had made her feel very uncomfortable by using explicit profanity during his clinical encounter with her.

3.4 On July 5, 2016, the State of Washington Medical Quality Assurance Commission (MQAC) issued a Statement of Allegations and Summary of Evidence, alleging that Licensee engaged in unprofessional conduct in Washington by entering into a romantic relationship with a female colleague, and later, after the female colleague ended the relationship, violating the terms of a private agreement that he would not contact the colleague. Licensee violated this agreement by attempting to contact the female colleague by various means, to include driving, on October 7, 2015, to the hospital where the colleague worked and attempting to contact her there. Licensee had previously agreed to notify the hospital by way of counsel if he was going to be physically present at the hospital, but failed to do so. After his arrival, Licensee was escorted from the hospital by local law enforcement. On October 7, 2016, the MQAC accepted a Stipulation to Informal Disposition (Stipulation) signed by Licensee based upon the conduct set forth in the Statement of Allegations and Summary of Evidence. This Stipulation is an informal disciplinary action that is a public document and was reported to the national databank. Licensee made the Board aware of the pending disciplinary action before the order was entered, but failed to report the entered stipulated order within ten days, in violation of ORS 677.415(4). The conduct of Licensee set forth in the Stipulation constitutes unprofessional conduct, a violation of ORS 677.190(1)(a), as defined by ORS 677.188(4)(a).

4.

Licensee and the Board desire to settle this matter by entry of this Stipulated Order. 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 denies the allegations, but the Board finds that he engaged in the conduct described in paragraph 3 (above) and that this conduct violated ORS

1 677.190(1)(a), as defined by ORS 677.188(4)(a); ORS 677.190(13); and ORS 677.415(4).

2 Licensee understands that this Order is a public record and is a disciplinary action that is
3 reportable to the National Data Bank and the Federation of State Medical Boards.

4 5.

5 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order
6 subject to the following terms and conditions:

7 5.1 Licensee is reprimanded.

8 5.2 Licensee must pay a civil penalty of \$5,000 within 12 months from the effective
9 date of this Order. Licensee may make payments, as long as no payment, excepting the final
10 payment, is less than \$100.

11 5.3 Licensee must have a medically trained chaperone present whenever a breast or
12 pelvic examination is being conducted with a female patient 16 years of age or older. The
13 presence of the chaperone will be immediately documented in the patient chart. The chaperone
14 must be medically trained and not a friend or relative of the patient or physician.

15 5.4 Licensee is placed on probation for 10 years. Licensee must report in person to
16 the Board at each of its quarterly meetings at the scheduled times for a probation interview,
17 unless otherwise directed by the Board's Compliance Officer or its Investigative Committee.
18 The Board's current practice is for the Licensee to report to the Board for one quarterly visit per
19 year with the remaining three visits being conducted by the Board's compliance officer or other
20 Board designee(s). The Board, at their sole discretion and through the Board's Compliance
21 Officer or its Investigative Committee, reserves the right to modify this current practice. In the
22 event the Board develops protocols for conducting electronic probation interviews, interviews
23 may be held electronically, at the Board's discretion, between Licensee and the Board's
24 Compliance Officer (or its designee) using Board established protocols for the location and
25 electronic transmission of the meeting. Licensee is responsible for supplying and maintaining
26 the equipment and technology necessary for him to participate in the electronic meetings.

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1 Licensee will be notified if and when such meetings are scheduled in lieu of an in person
2 appearance at a quarterly Board meeting.

3 5.5 Licensee must continue in treatment with a healthcare provider pre-approved by
4 the Board's Medical Director. Visits with this provider must comply with the parameters
5 outlined in the recommendation of the Acumen assessment dated August 4, 2017. The provider
6 shall submit quarterly reports to the Board's Medical Director. Licensee must sign, and keep in
7 place, all necessary releases to allow full communication and exchange of documents and reports
8 between the Board and the provider. Any provider change must be pre-approved by the Board's
9 Medical Director, and Licensee must secure releases as described above.

10 5.6 Within six months from the effective date of this order, Licensee must complete a
11 course that has been pre-approved by the Board's Medical Director. This course must include
12 components related to medical ethics, disruptive behavior, professionalism and professional
13 boundaries.

14 5.7 Upon completion of term 5.6, Licensee must develop a personal practice protocol
15 for the maintenance of boundaries and professionalism as described in the Acumen assessment
16 of August 4, 2017. This protocol must be approved by the Board's Medical Director within three
17 months of completion of the educational workshop.

18 5.8 Licensee must comply with the Order for Protection issued by the Superior Court
19 of Washington, Thurston County, on October 21, 2015.

20 5.9 After two years of continued compliance with the terms of this Order, Licensee
21 may submit a written request to modify this Order.

22 5.10 Terms 5.3, 5.4, and 5.5 of this Order will be held in abeyance if Licensee's
23 Oregon medical license is at Inactive status.

24 5.11 The Interim Stipulated Order dated February 13, 2017, terminates effective the
25 date this Order is signed by the Board Chair.

26 5.12 Licensee stipulates and agrees that this Order becomes effective the date it is
27 signed by the Board Chair.

1 5.13 Licensee must obey all federal and Oregon state laws and regulations pertaining
2 to the practice of medicine.

3 5.14 Licensee stipulates and agrees that any violation of the terms of this Order shall
4 be grounds for further disciplinary action under ORS 677.190(17).

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6 IT IS SO STIPULATED THIS 12 day of December 2017.

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8 MAURY NELSON BLITMAN, MD

9 IT IS SO ORDERED THIS 4th day of January, 2018.

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11 OREGON MEDICAL BOARD
State of Oregon

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14 MICHAEL MASTRANGELO, JR., MD
BOARD CHAIR
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