

1 2.3 Licensee has never examined or seen any of the recipients of his prescriptions and
2 refills from Internet orders. Licensee does not request any physical examinations before issuing
3 a prescription or refill for Internet orders.

4 2.4 As part of his routine practice via the Internet, Licensee does not obtain medical
5 records or confer with the primary care provider of these Internet patients. Licensee does not
6 personally review alternatives, risks and possible side effects with them.

7 2.5 Licensee does not order lab tests or make referrals to specialists to confirm or
8 render a medical diagnosis before he has prescribed the medications identified in subparagraph
9 2.2.

10 2.6 Licensee issues prescriptions and refills for the medications identified in
11 subparagraph 2.2 based upon Internet orders and questionnaires alone, without regard for the
12 location of the patient. Licensee has issued prescriptions and refills for Internet patients located
13 in Oregon and other states, without ever seeing or examining them.

14 2.7 Licensee reviews between 150 to 250 on-line consultations each week. Licensee
15 then has issued written prescriptions and/or refills, or he has contacted a pharmacy to provide the
16 prescription and/or refill medications after receiving on-line credit card payments. Licensee also
17 has dispensed prescription medications from his Oregon practice and has shipped medications
18 from his Washington clinic.

19 2.8 The Chief Investigator for the Board located Licensee's Website on the Internet at
20 www.viagramd.org and ordered Viagra after completing a medical history questionnaire on or
21 about April 28, 1999. He did not visit Licensee's medical clinic, and he was never asked to
22 undergo a physical examination. Subsequently, Licensee's clinic shipped five tablets of Viagra
23 to the Chief Investigator's home in Gresham, Oregon, after payment was submitted with his
24 credit card through Licensee's Internet Website.

25 2.9 On or about December 9, 1999, another Board employee ordered Propecia from
26 Licensee's Internet site, www.centerformenshealth.com. After answering an on-line

1 "consultation questionnaire," this employee received e-mail notices that his request was
2 approved and that the prescription had been called into a Portland pharmacy. On or about
3 December 10, 1999, this Board employee picked up Licensee's prescription for Propecia from a
4 pharmacy in Portland for 90 pills instead of the 25 he had ordered through this Website.

5 3.

6 Licensee stipulates that he engaged in the conduct described in paragraph 2 and that this
7 manner of practice endangered the public's health or safety by exposing patients to treatment that
8 could be contra-indicated by pre-existing health conditions or medications that the patients are
9 taking that could otherwise be detected by examining patients prior to treatment, by conducting
10 an adequate health history, consulting with the patients' primary care providers, reviewing their
11 medical records and providing adequate follow-up.

12 4.

13 Licensee stipulates and the Board finds that the conduct described in paragraph 2 violates
14 ORS 677.190(1)(a), unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a)
15 and gross or repeated negligence in the practice of medicine, ORS 677.190(14).

16 5.

17 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order,
18 which becomes effective on the date the Board's Chairman signs it. Licensee stipulates that he
19 is subject to and will comply with the following terms and conditions of this Stipulated Order.

20 IT IS HEREBY ORDERED that Licensee's license to practice medicine is revoked, but
21 the execution of this order of revocation is stayed and Licensee is placed on probation for a
22 period of ten (10) years under the following terms of probation:

- 23 5.1 Licensee will pay a fine of \$5000. The fine will be paid in full no later than thirty
24 (30) days after the effective date of this Order.
- 25 5.2 Licensee is reprimanded.

- 1 5.3 Licensee has severed his association with any Internet web site through which he
2 has provided the services and medications as described in paragraph 2. Licensee
3 shall hereafter not associate in any manner with any Internet web site that renders
4 or purports to render medical services to patients or prescribe medications.
- 5 5.4 Licensee will not communicate with patients, either in this state or any other
6 location, via the Internet.
- 7 5.5 Licensee will not diagnose or treat any person without first seeing the patient in a
8 face to face clinical setting.
- 9 5.6 Licensee will not prescribe any medications for any patient without first verifying
10 that the patient is in fact who they claim to be; establish the diagnosis through the
11 use of accepted medical practices such as patient interview, physical examination,
12 and appropriate ancillary testing; discuss with the patient in a face to face clinical
13 setting the diagnosis and the evidence for it, as well as the risks and benefits of
14 various treatment options; and be available to the patient for appropriate follow-
15 up care.
- 16 5.7 Licensee shall report in person to the Board at each of its quarterly meetings at the
17 scheduled times for a probationer interview, unless otherwise directed by the
18 Board or the Investigation Committee.
- 19 5.8 Patient charts containing entries by Licensee shall be subject to inspection by the
20 Board's Compliance Officer.
- 21 5.9 In view of Licensee's status as the owner of one or more medical clinics, the
22 terms of this probation which prohibit diagnosing and treating patients via the
23 Internet shall be deemed to extend to any employee or agent of Licensee or any
24 independent contractor that has entered into a contract with Licensee to provide
25 medical services to patients in any capacity. Any medical service provided over
26

1 the Internet by an employee, agent or independent contractor of Licensee shall be
2 deemed to have been done by Licensee.

3 5.10 Licensee can propose modifications to the limitations imposed by the Order by
4 submitting a written request to the Board at least thirty days prior to any quarterly
5 meeting.

6 6.


7 Any violation of the terms of this Order shall be grounds for further disciplinary action
8 under ORS 677.190(18).

9
10 IT IS SO STIPULATED this 28th day of March, 2000.

11
12 
13 STEVEN GABRIEL MOOS, M.D.

14 IT IS SO ORDERED this 29th day of March, 2000.

15
16 BOARD OF MEDICAL EXAMINERS
17 State of Oregon

18 
19 GEORGE A. PORTER, M.D.
20 Chairman of the Board

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