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BEFORE THE
BOARD OF MEDICAL EXAMINERS
STATE OF OREGON

In the Matter of:)
JERROLD ROY DARM, MD)
LICENSE NO. MD10790) STIPULATED ORDER
)

1.

The Board of Medical Examiners (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the State of Oregon. Jerrold Roy Darm, MD (Licensee) is a licensed physician in the State of Oregon.

2.

The Board proposed taking disciplinary action pursuant to ORS 677.205 against Licensee for violations of the Medical Practices Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) and ORS 677.190(18), by violating ORS 677.320(6), a licensee who is the subject of an investigation and any person authorized to act on behalf of the licensee shall not knowingly contact the complainant until the licensee has requested a contested case hearing and the board has authorized the taking of the complainant's deposition pursuant to ORS 183.425. The acts and conduct alleged to violate the Medical Practices Act are:

2.1 Licensee is a board certified emergency physician. Licensee began to treat Patient A for facial telangiectasis in his Lake Oswego medical clinic on September 21, 1999. Patient A received sclerotherapy treatment at Licensee's clinic in May and June, 2000. Licensee examined Patient A on August 3, 2000 and September 21, 2000 to evaluate the treatment results. Patient A repeatedly expressed concern about some "spider" veins on her legs, but that she could not pay for any additional treatment. Licensee agreed that he would provide Patient A with free treatment at his clinic after closing time. On or about November 16, 2000, at about 9:30 PM,

1 Licensee used a laser to treat Patient A's condition in her legs. At the conclusion of the
2 treatment, as she was reclined on her back, Licensee leaned over Patient A and made intimate
3 physical contact with her by inappropriately giving her a kiss, a hug, and touching her. Licensee
4 inferred that that this physical contact would be his payment for the treatment. Licensee's
5 conduct in this matter constitutes an inappropriate boundary violation.

6 2.2 In January 2001, Licensee learned that a complaint had been filed with the Board
7 concerning his interaction with Patient A. Licensee arranged for a third party to contact Patient
8 A on his behalf. The third party called Patient A by telephone and asked what it would take to
9 settle the matter.

10 3.

11 Licensee and the Board desire to settle this matter by the entry of this Stipulated Order.
12 Licensee understands that he has the right to a contested case hearing under the Administrative
13 Procedures Act (chapter 183), Oregon Revised Statutes, and fully and finally waives the right to
14 a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the
15 Board's records. Licensee stipulates that he engaged in the conduct described in paragraph 2 and
16 that this conduct violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined
17 in ORS 677.188(4)(a) and ORS 677.190(18), by violating ORS 677.320(6), a licensee who is the
18 subject of an investigation and any person authorized to act on behalf of the licensee shall not
19 knowingly contact the complainant until the licensee has requested a contested case hearing and
20 the board has authorized the taking of the complainant's deposition pursuant to ORS 183.425.

21 4.

22 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order.

23 Licensee is placed on probation subject to the following terms:

24 4.1 Licensee is reprimanded.

25 4.2 Licensee shall report in person to the Board at each of its quarterly meetings at the
26 scheduled times for a probationer interview, unless otherwise directed by the Board.

27 4.3 Licensee shall maintain a physician/patient relationship with a mental health

1 provider approved by the Board's Medical Director who shall submit quarterly reports to the
2 Board documenting Licensee's status and ability to safely and competently practice medicine.

3 4.4 Licensee will enroll in 6 hours of accredited Continued Medical Education
4 courses related to establishing and maintaining appropriate doctor/patient boundaries. Courses
5 are to be approved by the Board's Medical Director and are to be completed within twelve
6 months from the signing of this Order.

7 4.5 Licensee shall enroll in and, within six months from the signing of this Order,
8 successfully complete a course on risk management that is approved by the Board's Medical
9 Director.

10 4.6 Licensee will not examine or treat female patients eighteen years or older without
11 the presence of a chaperone.

12 4.7 Should Licensee be absent from this state for any period of time which would
13 interfere with meeting the requirements of these terms of probation, Licensee must request
14 approval for alternative means of satisfying those terms. Failure to receive Board approval may
15 result in an extension of this probation for a time equivalent to time Licensee has been absent for
16 the State or other action as may be deemed appropriate.

17 4.8 Licensee shall obey all federal, state and local laws, and all rules governing the
18 practice of medicine in the state of Oregon.

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