1	BEFORE THE
2	BOARD OF MEDICAL EXAMINERS
3	STATE OF OREGON
4	In the Matter of
5	ROBERT C. VON BORSTEL, MD) INTERIM STIPULATED ORDER
6	LICENSE NO. MD 22078)
7	
8	1.
9	The Board of Medical Examiners (Board) is the state agency responsible for licensing,
10	regulating and disciplining certain health care providers, including physicians, in the state of
11	Oregon. Robert C. Von Borstel, MD (Licensee) is a licensed physician in the state of Oregon
12	and holds an active medical license.
13	2.
14	Licensee is a psychiatrist practicing in Portland, Oregon. The Board of Medical Examiners
15	received credible information regarding the Licensee that resulted in the Board initiating an
16	investigation. The results of the Board's investigation to date have raised concerns to the extent
17	that the Board believes it necessary that Licensee agree to cease the practice of medicine until the
18	investigation is completed.
19	3.
20	In order to address the concerns of the Board, Licensee and the Board agree to the entry of
21	this Interim Stipulated Order, which provides that Licensee shall comply with the following
22	conditions:
23	3.1 Licensee voluntarily withdraws from the practice of medicine pending the
24	completion of the Board's investigation.
24	3.2 Licensee's Oregon medical license shall be placed on Inactive status effective the
25	date Licensee signs this Order.
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1	3.3 Licensee understands that violating any term of this Order will be grounds for
2	disciplinary action under ORS 677.190 (18).
3	4.
4	At the conclusion of the Board's investigation, Licensee's status will be reviewed in an
5	expeditious manner. If the Board determines, following that review, that Licensee shall not be
6	permitted to return to the practice of medicine, Licensee may request a hearing to contest that
7	decision.
8	5.
9	This order is issued by the Board pursuant to ORS 677.420 (1) for the purpose of making a
10	complete investigation in order to fully inform itself with respect to the performance or conduct of
11	the Licensee and Licensee's ability to safety and competently practice medicine. Pursuant to ORS
12	677.425, Board investigative materials are confidential and shall not be subject to public
13	disclosure, nor shall they be admissible as evidence in any judicial proceeding. However, as a
14	stipulation this order is a public document.
15	
16	IT IS SO STIPULATED THIS 74 L day of Jetober, 2007.
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18	TOME in Gorstel Mas
19	ROBERT C. VON BORSTEL, MD
20	15/
21	IT IS SO ORDERED THIS day ofNO VEMBER 2007.
22	BOARD OF MEDICAL EXAMINERS State of Oregon
23	Quilean
24	DAVID R. GRUBE, MD
24	Board Chair
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1 BEFORE THE 2 OREGON MEDICAL BOARD 3 STATE OF OREGON 4 In the Matter of 5 ROBERT C. VON BORSTEL, II, MD STIPULATED ORDER 6 LICENSE NO. MD22078 7 8 1. 9 The Oregon Medical Board (Board) is the state agency responsible for licensing, 10 regulating and disciplining certain health care providers, including physicians, in the state of 11 Oregon. Robert C. Von Borstel, II, MD (Licensee) holds a license to practice medicine in the 12 state of Oregon. 13 2. 14 The Board issued a Complaint and Notice of Proposed Disciplinary Action, dated May 5, 15 2008, in which the Board proposed taking disciplinary action pursuant to ORS 677.205 against 16 Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or 17 dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(14) gross or repeated acts 18 of negligence; ORS 677.190(24) violation of the federal Controlled Substances Act; and ORS 19 677.190(25) prescribing controlled substances without a legitimate medical purpose or without 20 following accepted procedures for examination or patients or record keeping. 21 3. 22 Licensee is a psychiatrist practicing in Portland, Oregon. Licensee entered into an 23 Interim Stipulated Order that was approved by the Board on November 1, 2007, withdrawing 24 from practice until the Board completed its investigation. The acts and conduct alleged to violate 25 the Medical Practice Act follow: 26 3.1 Patient A, an adult female, was a social friend of Licensee, beginning in 1995, 27 while Licensee was still in medical school. They gradually drifted apart, and Licensee did not

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see Patient A for three years, until October 2001, when Licensee began seeing her as a patient. Licensee knew that Patient A was a heroin addict. Patient A complained of severe depression. To manage her withdrawal symptoms, Licensee prescribed Clonazepam (Schedule IV, klonopin) with periodic refills for Patient A, without patient records, regular office visits or urine monitoring. From October 2001 through 2003, Licensee provided about ½ hour of therapy approximately every six months. Patient visits were not charted. Licensee did not refer Patient A to a drug treatment center. In 2004, Patient A began to receive psychiatric care from another provider.

Between 2005 and 2007, Licensee violated professional boundaries by extending Patient A loans and gifts of money. In early 2006, Licensee engaged in sexual misconduct by entering into a sexual relationship with Patient A that continued for about three months. On two occasions, Licensee used Schedule I controlled substances, with Patient A. In January 2007, Licensee prescribed morphine sulphate (oral) (Schedule II) to taper Patient A off heroin. In August 2007, Licensee prescribed buprenorphine (Schedule III) to curb Patient A's use of heroin. Licensee failed to maintain an appropriate chart or follow recognized monitoring protocol.

3.2 Beginning in May 2003, Licensee provided psychiatric care to Patient B, an adult female, over the course of 38 patient visits. Patient B's history included neglect and abuse as a child, overdoses on controlled substances, and bipolar disorder. Licensee's chart for Patient B contains no formal intake, no formal history and no treatment plan, is not problem oriented and lacks a standardized, understandable format for recording patient medical evaluation information, such as subjective, objective, assessment and plan (S.O.A.P.) notes. The chart also fails to reflect a medication list, and the medications that were prescribed appear to have been selected without any documented rationale or justification. Licensee prescribed Lithium without appropriate pre-lithium laboratory analysis and lithium levels were not monitored.

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Licensee and the Board agree to close this investigation and agree that Licensee will not practice any form of medicine in the state of Oregon by surrendering his license to practice medicine while under investigation, consistent with the terms of this Order. The Board acknowledges that Licensee has stated a commitment to recovery and rehabilitation and has voluntarily taken steps to address the root causes of the misconduct. Licensee has provided proof that he has been in ongoing psychotherapy twice weekly since October 2007, and has completed the Continuing Medical Education course entitled, "Maintaining Proper Boundaries" sponsored by the Center for Professional Health at Vanderbilt University Medical Center.

Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes and 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 understands that this document is a public record and is reportable to the National Practitioners Data Bank. Licensee stipulates that he engaged in the conduct described in paragraph 3 and that this conduct violated ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(14) gross or repeated acts of negligence; ORS 677.190(24) violation of the federal Controlled Substances Act; and ORS 677.190(25) prescribing controlled substances without a legitimate medical purpose or without following accepted procedures for examination of patients or record keeping.

5.

Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order subject to the following conditions, effective upon the signing of this Order by the Board's designee:

5.1 Licensee immediately surrenders his license to practice medicine while under investigation. Licensee will not practice any form of medicine, to include administrative medicine and individual medical examinations (IMEs).

1	5.2 Licensee is reprimanded.
2	5.3 Licensee shall pay a \$2,500 fine payable no later than 6-months from the date this
3	Order is signed by the Board Chair.
4	5.4 Should licensee seek re-licensure with the Board, prior to submitting an
5	application, Licensee will undergo an evaluation at a pre-approved multi-disciplinary center at
6	his own expense, with Licensee signing all necessary releases to allow full communication
7	between the center and the Board. Licensee also will have to demonstrate, to the Board's
8	satisfaction, verifiable sobriety by providing documented proof that he has no substance abuse or
9	chemical dependence problems. Licensee will likewise have the obligation to provide
10	documented proof that he is in recovery and is safe to practice medicine.
11	5.5 Consistent with paragraph 5.4 above, Licensee will have the obligation to present
12	a re-entry plan that will satisfy the Board's need to protect the public. Licensee's plan will
13	address how he will achieve verified medical competency, to include updating his medical
14	knowledge and clinical practice skills, and how he will practice in a supervised practice setting.
15	5.6 Licensee stipulates and agrees that any violation of the terms of this Order will be
16	grounds for further disciplinary action under ORS 677.190(18).
17	
18	IT IS SO STIPULATED this 30 day of Jan Jan, 2009.
19	
20	(Signature Redacted on Copies
21	ROBERT C. VON BORSTEL, MD
22	IT IS SO ORDERED this 5 th day of Fibrary, 2009.
23	OREGON MEDICAL BOARD
24	State of Oregon
25	C Signatura Padastad an Canian
26	Signature Redacted on Copies
27	DOUGLAS B. KIRKPATRICK, MD Board Chair