1	BEFORE THE
2	OREGON MEDICAL BOARD
3	STATE OF OREGON
4	In the Matter of )
5	
6	DIANE HENNACY POWELL, MD ORDER MODIFYING STIPULATED LICENSE NO. MD25438 ORDER
7	,
8	1.
9	On January 13, 2011, Diane Hennacy Powell, MD (Licensee) entered into a Stipulated
10	Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's
11	practice. On July 20, 2011, Licensee submitted a written request to terminate this order.
12	2.
13	Having fully considered Licensee's request and compliance with terms 4.2 and 4.3, the
14	Board terminates terms 4.2 and 4.3 of Licensee's January 13, 2011 Stipulated Order effective the
15	date this Order is signed by the Board Chair. All other terms of the January 13, 2011 Stipulated
16	Order are unchanged and remain in full force and effect.
17 18	IT IS SO ORDERED this Let day of October, 2011.
19	OREGON MEDICAL BOARD
20	State of Oregon
21	SIGNATURE REDACTED
22	RALPH A. YATES DO Board Chair
23	Board Chair
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1	BEFORE THE	
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3	STATE OF OREGON	
4	· · · · · · · · · · · · · · · · · · ·	
5	In the Matter of	
6	DIANE HENNACY POWELL, MD ) INTERIM STIPULATED ORDER	
7	LICENSE No. MD25438	
8	1.	
9	The Oregon Medical Board (Board) is the state agency responsible for licensing,	
10	regulating and disciplining certain healthcare providers, including physicians, in the state of	
11	Oregon. Diane Hennacy Powell, MD, (Licensee) is a licensed physician in the state of Oregon.	
12	2.	
13	The Board received credible information regarding Licensee that resulted in the Board	
14	initiating an investigation and reviewing her care of multiple patients. The results of the Board's	
15	investigation to date have raised concerns to the extent that the Board believes it necessary that	
16	Licensee agree to immediately modify her practice of medicine until the investigation is	
17	completed.	
18	3.	
19	In order to address the concerns of the Board, Licensee and the Board agree to enter into	
20	this Interim Stipulated Order, which provides that Licensee shall comply with all of the	
21	following conditions, effective the date this Order is signed by Licensee:	
22	3.1 Licensee shall voluntarily and immediately cease accepting any new patients, to	
23	include evaluating new patients, prescribing for new patients, and/or accepting patients that are	
. 24	being transferred or referred to her from a hospital, clinic, or another health care provider.	
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Page -1 INTERIM STIPULATED ORDER - Diane Hennacy Powell, MD

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1	3.2 Licensee shall immediately transfer her patients whom she primarily treats by
2	telephone sessions. Licensee shall cease to conduct telephone sessions with any current patients
3	by Friday, September 4, 2010, and instead agrees to see these patients in person for therapy
4	sessions and for medication refills. If a patient resides out of state or lives far from Licensee's
5	practice in Medford, Oregon, then Licensee shall transfer the patient, within thirty-days, to
б	another licensed psychiatrist or mental health provider for treatment and/or medication
7	management.

- Licensee will obtain a practice mentor who will review her patient care and 3.3 facilitate transfer of telephone consultations. This mentor shall be a licensed Oregon psychiatrist with an unrestricted license and be pre-approved by the Board's Medical Director.
- Licensee's practice setting and patient records may be subject to no-notice 3.4 inspections by the Board's Compliance Officer or investigative staff to ensure compliance with the terms of this Order.
- Licensee understands that violating any term of this Order will be grounds for 3.5 disciplinary action under ORS 677.190(17).

16 4.

> At the conclusion of the Board's investigation, Licensee's status will be reviewed in an expeditious manner. Following that review, if the Board determines that Licensee shall not be permitted to return to the unrestricted practice of medicine, Licensee may request a hearing to contest that decision.

> > 5.

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This Order is issued by the Board pursuant to ORS 677.265(1) and (2) for the purpose of protecting the public, and making a complete investigation in order to fully inform itself with respect to the performance or conduct of the Licensee and Licensee's ability to safely and competently practice medicine. Pursuant to ORS 677.425, Board investigative materials are confidential and shall not be subject to public disclosure, nor shall they be admissible as evidence in any judicial proceeding. However, as a stipulation this Order is a public document

1	and reportable to the Federation of State Medical Boards, National Practitioner Data Bank
2	(NPDB), and the Healthcare Integrity and Protection Data Bank (HIPDB).
3	6.
4	This Order becomes effective the date it is signed by the Licensee.
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7	IT IS SO STIPULATED THIS 17 day of August, 2010.
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9	CICNATURE DED LOTTE A
10	SIGNATURE REDACTED  DIANE HENNALY PUWBEL, MU
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12	IT IS SO ORDERED THIS 17 day of august, 2010.
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14	OREGON MEDICAL BOARD State of Oregon
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16	SIGNATURE REDACTED
17	KATHLEEN HALEY, JD / EXECUTIVE DIRECTOR
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20	JAMES JOSEPH PECK, MD
21	MEDICAL DIRECTOR
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Page -3 INTERIM STIPULATED ORDER - Diane Hennacy Powell, MD

1	BEFORE THE	
2	OREGON MEDICAL BOARD	
3	STATE OF OREGON	
4		
5	In the Matter of )	
6	DIANE HENNACY POWELL, MD ) ORDER OF EMERGENCY LICENSE No. MD25438 ) SUSPENSION	
7	) SUSPENSION )	
8	1.	
9	The Oregon Medical Board (Board) is the state agency responsible for licensing,	
10	regulating, and disciplining certain healthcare providers, including physicians, in the state of	
11	Oregon. Diane Hennacy Powell, MD, (Licensee) is a licensed physician in the state of Oregon.	
12	2.	
13	The Board received credible information regarding Licensee that resulted in the Board	
14	initiating an investigation and reviewing her care of multiple patients. The results of the Board's	
15	investigation to date have raised concerns to the extent that the Board believes it necessary that	
16	Licensee immediately cease practicing medicine until the investigation is completed. The Board	
17	asked Licensee to agree to withdraw from the practice of medicine until the Board completes its	
18	investigation, but she has declined.	
19	3.	
20	The Board has determined that Licensee's continued practice of medicine would pose an	
21	immediate danger to the public and to her patients, based upon the following information.	
22	3.1 The Board conducted a review of Licensee's practice, which found evidence that	
23	Licensee has relied extensively upon telephone consultations in her management of a number of	
24	complex psychiatric patients without seeing these patients face-to-face for extensive periods of	
25	time, which posed a significant risk of harm to these patients. Licensee signed an Interim	
26	Stipulated Order on August 17, 2010, in which she agreed not to accept new patients, to cease	
27	conducting telephone sessions with any current or former patient, and to transfer those patients	

1 that live remotely from Licensee's practice location to another care provider. This pattern of 2 substandard practice reflected poor clinical judgment and possible impairment, and led the Board 3 to ask Licensee to undergo a psychiatric evaluation. 4 3.2 The Board's review of Licensee's practice and chart notes to date reveals 5 evidence of a pattern of practice that includes poor management of therapeutic boundaries, 6 incomplete chart notes that reflect a lack of attention to reasonable medical detail, a disorganized 7 approach to treatment, a failure to respond to significant patient symptoms, and concerns over 8 her management of patient medications, to include patient requests for medication changes and 9 refills. 10 3.3 Licensee recently underwent a psychiatric evaluation at the Board's request. In 11 order to protect the public, it is imperative that Licensee cease practicing medicine until the 12 Board completes its investigation, to include having Licensee undergo further evaluation to 13 address whether or not she has a psychiatric or neurological condition that could affect her 14 ability to safely practice medicine. 15 4. 16 Licensee is entitled to a hearing as provided by the Administrative Procedures Act 17 (chapter 183), Oregon Revised Statutes. Licensee may be represented by legal counsel at a 18 hearing. If Licensee desires a hearing, the Board must receive Licensee's written request for 19 hearing within ninety (90) days from the date the mailing of this Notice to Licensee, pursuant to 20 ORS 183.430(2). Upon receipt of a request for a hearing, the Board will notify Licensee of the 21 time and place of the hearing and will hold a hearing as soon as practical. 22 111 23 111 24 111 25 111 26 111

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1	5.
2	The Board orders that pursuant to ORS 677.205(3), the license of Diane Hennacy Powel
3	MD, be suspended on an emergency basis and that Licensee immediately cease the practice of
4	medicine until otherwise ordered by the Board.
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6	IT IS SO ORDERED THIS 8 day of October, 2010.
7	11 IS SO ORDERED THIS Of day of Coroler, 2010.
8	OREGON MEDICAL BOARD State of Oregon
9	State of oregon
10	Signature Redacted
11	LISA A. CORNELIUS, DPM
12	BOARD CHAIR
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1	BEFORE THE	
2	OREGON MEDICAL BOARD	
3	STATE OF OREGON	
4		
5	In the Matter of	
6	DIANE HENNACY POWELL, MD ) STIPULATED ORDER LICENSE No. MD25438 )	
7	)	
8		
9	1,	
10	The Oregon Medical Board (Board) is the state agency responsible for licensing,	
11	regulating and disciplining certain healthcare providers, including physicians, in the state of	
12	Oregon. Diane Hennacy Powell, MD, (Licensee) is a licensed physician in the state of Oregon.	
13	2.	
14	Licensee is a board-certified solo practitioner in Medford, Oregon. The Board initiated an	
15	investigation of Licensee's practice involving Patient A, who is a 59-year-old male patient with a	
16	long history of serious mental health conditions, multiple psychiatric admissions, suicidal	
17	ideation, and chemical dependency. A review of Licensee's practice and medical records show	
18	that Licensee was treating some patients living outside of Oregon primarily by telephone	
19	sessions and that Licensee's charting of other in-state patients did not comply with community	
20	standards. On October 8, 2010, the Board issued an Order of Emergency Suspension.	
21	3.	
22	License and the Board desire to settle this matter by entry of this Stipulated Order.	
23	Licensee understands that she has the right to a contested case hearing under the Administrative	
24	Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the	
25	right to a contested case hearing and any appeal therefrom by the signing of and entry of this	
26	Order in the Board's records. Licensee neither admits or denies but the Board finds that she	

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Licensee.

ļ 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)(b); and 3 ORS 677.190(13) gross or repeated acts of negligence. Licensec 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. б 4. 7 Eigensee 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 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 81 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

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

reports to the Board's Medical Director. Any costs involving this mentorship shall be borne by

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1	4.5	Licensee understands that violating any term of this Order will be grounds for
2	disciplinary a	action under ORS 677.190(17).
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4		,l
5		IT IS SO STIPULATED THIS 5 day of January, 2011.
6		
7		Signature Redacted
8		DIANE HENNACY POWER, MD
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] <b>i</b>		IT IS SO ORDERED THIS 13th day of January 2011.
12		OREGON MEDICAL BOARD
13		State of Oregon
14		Signature Redacted
15		LISA CORNELIUS, DPM
16		Board Chair
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1	BEFORE THE		
2	OREGON MEDICAL BOARD		
3	STATE OF OREGON		
4	In the Matter of )		
5	DIANE HENNACY POWELL, MD ) ORDER TERMINATING		
6	LICENSE NO. MD25438 ) STIPULATED ORDER )		
7			
8	1.		
9	On January 13, 2011, Diane Hennacy Powell, MD (Licensee) entered into a Stipulated		
10	Order with the Oregon Medical Board (Board). This Order placed conditions on Licensee's		
11	Oregon medical license. On January 11, 2012, Licensee submitted a written request to terminate		
12	this Order.		
13	2.		
14	Having fully considered Licensee's request and her successful compliance with the terms		
15	of this Order, the Board terminates the January 13, 2011 Stipulated Order, effective the date this		
16	Order is signed by the Board Chair.		
17	Th		
18	IT IS SO ORDERED this 5th day of April , 2012.		
19	OREGON MEDICAL BOARD		
20	State of Oregon		
21	SIGNATURE REDACTED		
22	W. KENT WILLIAMSON, MD		
23	Board Chair		
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Page -1 ORDER TERMINATING STLIPULATED ORDER - Diane Hennacy Powell, MD