

COPY

BEFORE THE
BOARD OF MEDICAL EXAMINERS
STATE OF OREGON

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In the Matter of)
)
JAMES FELLOWS NEWHALL, M.D.,) INTERIM ORDER
LICENSE NO. MD14113.)
_____)

1.

The Board of Medical Examiners (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers in the State of Oregon. James Fellows Newhall, M.D. (Licensee) is a licensed medical doctor, specializing in family practice in Portland, Oregon.

2.

On May 2, 1996, the Board became aware of the termination of Licensee from employment at Reed College under potentially reportable conduct. The allegations involved charting problems, an inappropriate social relationship with a student, and poor medical judgment in the treatment of students having drug-related problems. Licensee denied the latter two allegations.

3.

On July 16, 1996, Licensee appeared at the Board's office in response to a request for his written response and a telephone call from a Board investigator. Due to additional concerns about substance abuse, Licensee was asked for a urine sample, which Licensee provided.

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1 4.

2 The urine specimen was tested by a toxicology laboratory
3 approved by the Board on July 16, 1996, and found to be positive
4 for cannabinoids (THC cooh-gc/ms 162; normalized THC 937).

5 5.

6 On July 16, 1996, Licensee admitted occasional use of
7 marijuana and socializing with persons who use marijuana. He
8 admitted using marijuana three weeks earlier.

9 6.

10 Licensee appeared for an interview before the Board at its
11 quarterly meeting on July 19, 1996. Licensee admitted more
12 frequent use of marijuana, including admitting that he had
13 "binged" on marijuana at the Oregon Country Fair in Eugene on July
14 14, 1996. Licensee admitted being depressed and having a
15 diagnosis of depression. Licensee was scheduled to perform
16 surgical procedures on July 19 and 20, 1996.

17 7.

18 Due to the conduct described above and the allegations from
19 Reed College, Licensee and the Board agreed to the entry of an
20 Interim Stipulated Order which provided that Licensee should
21 comply with certain conditions, including withdrawing from the
22 practice of medicine pending an evaluation of Licensee for
23 substance abuse and psychiatric problems at an inpatient program.
24 Following that evaluation and any further inpatient treatment
25 which might have been recommended, Licensee's status would be
26 ///

1 reviewed in an expeditious manner to determine whether he might
2 safely be returned to the practice of medicine.

3 8.

4 The Board's review of Licensee's status took place by
5 telephone conference call at a special meeting of the Board during
6 its Investigative Committee on September 5, 1996. After reviewing
7 the evaluations for substance abuse and psychiatric problems, the
8 Board voted to reinstate Licensee's license subject to the
9 following conditions.

10 9.

11 **ORDER**

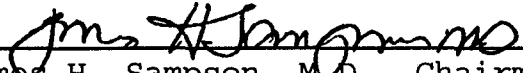
12 IT IS HEREBY ORDERED that the license to practice medicine of
13 James Fellows Newhall, M.D. is reinstated subject, however, to the
14 following conditions:

- 15 a. Licensee shall abstain from all mood-altering drug use
16 unless such drugs have been prescribed for him by a
licensed physician.
- 17 b. Licensee shall undergo random urinalysis through
18 Recovery Support Services (RSS) 36 times per year at his
expense for at least two years, with written reports
19 sent by RSS to the Board's Investigative Section.
- 20 c. Licensee shall continue psychiatric care with Dr. Saul
21 Helfing, or another psychiatrist to be approved in
advance by the Board, which care shall include taking
anti-depressant medications as ordered.
- 22 d. The treating psychiatrist shall provide written
23 quarterly reports to the Board by the first day of the
month of each quarterly Board meeting.
- 24 e. Licensee will undergo evaluation and follow-up with
25 recommended care for post-traumatic stress syndrome
through the Veterans' Administration or another
26 institution or practitioner to be approved in advance by
the Board's Investigation Committee. Licensee shall
cause written quarterly reports to be sent to the Board

1 by the first day of the month of each of the Board's
2 quarterly meetings from the evaluation and follow-up
care provider.

- 3 f. This order is an Interim Order subject to further
4 investigation by the Board. Following its regular
5 procedure for investigating violations of the Medical
Practice Act, Licensee may be subject to disciplinary
action.
- 6 g. This Interim Order reinstating license on conditions is
7 not a disciplinary action nor an adverse action, but is
a public record.
- 8 h. Should Licensee be absent from this state for any period
9 of time which would interfere with meeting the
10 requirements of these terms of probation, Licensee must
11 request approval for alternative means of satisfying
those terms. Failure to receive Board approval may
12 result in an extension of this probation for a time
equivalent to the time Licensee has been absent from the
State.
- 13 i. Evidence of any violation of the terms of this order
14 shall give the Board cause to terminate Licensee's
15 conditional license and invoke suspension or revocation
of Licensee's license or to take further disciplinary
action under ORS 677.190(18).

16 IT IS SO ORDERED this 5 day of September, 1996.

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19 _____
James H. Sampson, M.D., Chairman
20 Board of Medical Examiners
State of Oregon

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