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BEFORE THE  
BOARD OF MEDICAL EXAMINERS  
STATE OF OREGON

In the Matter of )  
JAMES MICHAEL CALHOUN, MD ) STIPULATED ORDER  
LICENSE NO. MD 17171 )  
)

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. James Michael Calhoun, MD (Licensee) holds an active license to practice medicine in the State of Oregon.

2.

On ~~November 1, 2008~~ <sup>September 10, 2002</sup>, the Board opened an investigation after being informed by the Portland Police Bureau that it had received information that Licensee had committed a sexual assault on an adult female patient and had arrested him on charges of sexual abuse in the second and third degree (ORS 163.425 and 163.415). Licensee subsequently signed an Interim Stipulated Order with this Board, in which he agreed to voluntarily withdraw from the practice of medicine pending completion of the Board's investigation into this matter. The Board conducted an investigation and developed additional information concerning Licensee's conduct. The Board is now prepared to take disciplinary action pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) and ORS 677.190(14) gross or repeated acts of negligence.

3.

The acts and conduct alleged to violate the Medical Practice Act are:

1           3.1     On August 21, 2003, Licensee entered a plea of guilty, which was accepted by  
2           the Multnomah County Circuit Court, to a charge of harassment (ORS 166.065) and  
3           was sentenced to three years of probation. The conduct that led to this plea of guilty  
4           involved the following course of events involving Patient A, an adult female patient,  
5           which occurred on August 30, 2002 (a Saturday) at Licensee's clinic. Licensee is a  
6           neurosurgeon who had previously performed surgery on Patient A's back. Following  
7           the surgery, Licensee administered several steroid injections to address her recurrent  
8           back pain. During one clinical visit, in response to Patient A's inquiry concerning  
9           alternative treatment, Licensee suggested that Patient A try a therapeutic massage to  
10          alleviate the discomfort to her back. Patient A informed Licensee that she did not  
11          know of any licensed massage therapists. Licensee informed her that although he was  
12          not licensed to perform therapeutic massage, he would be willing to do this for her at  
13          some unspecified time in the future if she agreed. She agreed and left his office.  
14          Licensee called her the next morning, and invited her to meet him that day (August  
15          30<sup>th</sup>) at his clinic for a massage. The clinic was not open that day for regular business.  
16          Patient A drove to the clinic and met Licensee in the lobby. Licensee escorted her into  
17          an examination room within the clinic. No one else was present. Licensee instructed  
18          Patient A to disrobe and to don a paper gown. Licensee then had Patient A lie down  
19          on her stomach and told her to completely relax. Licensee began to administer a  
20          massage to her back, and eventually straddled her torso while massaging her lower  
21          back. During the course of this massage, he advised her that a rectal exam was  
22          needed. Patient A consented. Licensee then digitally penetrated her genitalia without  
23          prior notice or medical justification. After doing so, Licensee allegedly told Patient A  
24          that he was "really getting hot and bothered" and kissed her on the shoulder. Patient A  
25          terminated this encounter. Licensee apologized and asked her not to tell anyone about  
26          the incident.



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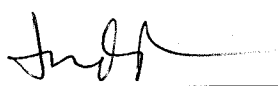
Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order subject to the following conditions:

- 5.1 Licensee surrenders his license to practice medicine while under investigation. This surrender becomes effective when the Board Chair signs this Order.
- 5.2 Licensee agrees that he will never apply for a license to practice medicine in the State of Oregon.
- 5.3 Licensee stipulates and agrees that any violation of the terms of this Order shall be grounds for further disciplinary action under ORS 677.190(18).

IT IS SO STIPULATED this 6 day of January, 2004.

  
\_\_\_\_\_  
JAMES MICHAEL CALHOUN, MD

IT IS SO ORDERED this 15<sup>th</sup> day of January, 2004.

BOARD OF MEDICAL EXAMINERS  
State of Oregon  
  
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JUDITH L. RICE  
BOARD CHAIR