

BEFORE THE
BOARD OF MEDICAL EXAMINERS
STATE OF OREGON

In the Matter of)
Marilyn Mills Walkey, MD) COMPLAINT & NOTICE OF
LICENSE NO. MD18470) PROPOSED DISCIPLINARY ACTION

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. Marilyn Mills Walkey, MD (Licensee) is a licensed physician in the state of Oregon. Licensee plans to also practice acupuncture within the scope of her Oregon medical license as permitted under ORS 677.759.

2.

The Board proposes 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(15) incapacity to practice medicine.

3.

Licensee is a board certified radiologist who most recently practiced medicine in Klamath Falls, Oregon. On April 1 1997, Licensee and the Board entered into an Interim Stipulated Order in which Licensee agreed to voluntarily withdraw from the practice of medicine after being

[REDACTED] On May 15 1997, Licensee and the Board entered into a Stipulated Final Order Granting Request for Voluntary Limitation, which terminated the April 1, 1997 Interim Stipulated Order and returned Licensee to practice subject to certain conditions. The Board terminated the Interim Stipulated Final Order on October 16, 1998.

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

2 3.1 In April 2003, Licensee took a medical leave of absence from Merle West
3 Medical Center in Klamath Falls after experiencing a probable [REDACTED] while working
4 over the weekend as a radiologist. The Board initiated a new investigation. Licensee then
5 entered into an Interim Stipulated Order with the Board on May 1, 2003, in which she withdrew
6 from the practice of medicine pending the Board's investigation into her [REDACTED] issues.
7 This Order has remained in effect, with Licensee remaining out of practice.

8 3.2 Licensee has been seen by a number of [REDACTED] care professionals that have
9 provided a diagnosis, treatment recommendations, and most recently, recommended conditions
10 under which Licensee could be expected to be able to practice medicine safely and competently.
11 To date, Licensee has refused to enter into a stipulated agreement with the Board that would
12 formally implement these practice conditions.

13 4.

14 Licensee is entitled to a hearing as provided by the Administrative Procedures Act
15 (chapter 183), Oregon Revised Statutes. Counsel at the hearing may represent licensee. If
16 Licensee desires a hearing, the Board must receive Licensee's written request for hearing within
17 twenty-one (21) days of the mailing of this Notice to Licensee. Upon receipt of a request for a
18 hearing, the Board will notify Licensee of the time and place of the hearing.

19 5.

20 If Licensee requests a hearing, Licensee will be given information on the procedures,
21 right of representation, and other rights of parties relating to the conduct of the hearing as
22 required under ORS 183.413(2) before commencement of the hearing.

23 6.

24 Failure by Licensee to request a hearing or failure to appear at any hearing scheduled by
25 the Board will constitute waiver of the right to a contested case hearing and will result in a
26 default order by the Board, including the assessment of such penalty and costs as the Board
27 deems appropriate under ORS 677.205. If a default order is issued, the record of proceeding to

1 date, including Licensee's file with the Board and any information on the subject of the contested
2 case automatically becomes a part of the contested case record for the purpose of proving a
3 prima facie case, ORS 183.415(6).
4

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6 DATED this 1st day of June, 2005.
7

8 BOARD OF MEDICAL EXAMINERS
9 State of Oregon


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11 KATHLEEN HALEY, JD
12 EXECUTIVE DIRECTOR
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VERIFICATION

STATE OF OREGON)
): ss
County of Multnomah)

I, KATHLEEN HALEY, being first duly sworn, state that I am the Executive Director of the Board of Medical Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case; and that the foregoing Complaint and Notice of Proposed Disciplinary Action is true to the best of my knowledge as I verily believe.



KATHLEEN HALEY, EXECUTIVE DIRECTOR
OREGON BOARD OF MEDICAL EXAMINERS

SUBSCRIBED AND SWORN to before me

this 1st day of JUNE, 2005.



NOTARY PUBLIC FOR OREGON

My Commission Expires: 05/03/09

