

23rd DAY OF October 1973
File Pursuant to

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In the Matter of the Revocation)
of the License of)
LENDON HOWARD SMITH, M. D.)
to practice Medicine in the State of Oregon)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER OF REVOCATION; AND
ORDER OF PROBATION

8 The above-entitled matter came on for hearing before the Board of Medical
9 Examiners on the 12th day of October 1973, the accused being present without
10 counsel, the Board having heard the presentment of facts of Defendant and having
11 heard the presentment of facts by the Board of Medical Examiners; and the Defendant
12 having admitted the facts as charged within the Complaint dated the 3rd day of
13 October 1973, the Board of Medical Examiners on this 12th day of October 1973,
14 based upon the evidence introduced at the hearing before the Board of Medical
15 Examiners and upon the admissions of the said LENDON HOWARD SMITH, M. D., the
16 Board does make the following Findings of Fact:

17 I.

18 That on or about the 23rd day of February 1951, a license bearing number 4553,
19 to practice medicine in the State of Oregon was issued under the direction of the
20 Board of Medical Examiners of the State of Oregon, to the above-named, LENDON HOWARD
21 SMITH, M. D.;

22 II.

23 That the licentiate failed to comply with the standards and conduct of a
24 person of his medical training and education in the City of Portland, State of Oregon,
25 in that he failed to treat the following patients of his in the manner required of
26 a person of his training and education in the field of medicine in the City of
27 Portland, in the manner indicated and as set forth below at the time and dates as
28 specified;

29 That the licentiate knew it was not necessary to treat the patients listed
30 hereinafter in this manner in order to restore the patient to his health; that
31 the amount and type of drugs the said licentiate was prescribing for the patients
32 listed below was not necessary or medically indicated.

1	<u>Dates Treated</u>	<u>Name of Patient</u>	<u>Illness diagnosed</u>	<u>Drug Prescribed</u>
2	December 14, 1972 to and including May 1, 1973	[REDACTED]	Hyperactive	Ritalin 20 mgs.
3	March 20, 1973 to and including June 26, 1973	[REDACTED]	Heroin addiction	Ritalin 20 mgs.
4	March 2, 1973 to and including June 20, 1973	[REDACTED]	Heroin addiction	Ritalin 20 mgs.
5	June 11, 1973 to and including August 10, 1973	[REDACTED]	Heroin addiction	Ritalin 20 mgs.
6	May 31, 1973 to and including July 16, 1973	[REDACTED]	Heroin addiction	Ritalin 20 mgs.
7	May 29, 1973 to and including August 15, 1973	[REDACTED]	Heroin addiction	Ritalin 20 mgs.

11 CONCLUSIONS OF LAW

12 I.

13 That the said acts upon the part of the said licentiate was and is contrary
14 to the statutes of the State of Oregon, particularly that as set forth in ORS
15 677.190 as follows:

16 "Unprofessional Conduct"

17 ORDER

18 WHEREFORE IT IS NOW ORDERED AND ADJUDGED by the Board of Medical Examiners
19 of the State of Oregon that the license to practice medicine within the State of
20 Oregon heretofore issued to the said LENDON HOWARD SMITH, M. D. on the 23rd day
21 of February 1951, bearing license number 4553 be and the same is hereby revoked
22 provided, however, that the said LENDON HOWARD SMITH, M. D. shall be permitted to
23 return to practice with the Order stayed; that the said LENDON HOWARD SMITH, M. D.
24 shall be placed on probation for a period of ten (10) years with the following terms
25 and conditions:

- 26 1. That the licentiate shall abide by all the laws of the United States and the State of Oregon and its political subdivisions, and by the rules and regulations of the Board of Medical Examiners;
- 27 2. That the licentiate shall immediately surrender to the Drug Enforcement Administration his present Narcotic Order Form Books and shall furnish proof of the fact he has surrendered his narcotic registration number, to the Board of Medical Examiners;
- 28 3. That prescriptions necessary to the licentiate's proper practice of medicine may be presented to licentiate's associates and if they deem the prescriptions necessary for the treatment of the patient, the associate may then sign the prescription;


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- 4. That the licentiate report in person to the Oregon State Board of Medical Examiners at each of its regular meetings held in Portland, Oregon commencing January 1974 unless ordered to do otherwise by the Board;
- 5. That the licentiate may apply in writing to the Board of Medical Examiners for changes or modification of the terms of this Order of Probation.

That upon full compliance with the terms and conditions herein set forth, and upon expiration of the terms of probation, defendant's said license shall be restored to its full privileges, free and clear of the terms of probation herein imposed; provided, however, that in the event defendant violates or fails to comply with any of the terms or conditions of this Order during said period of probation, the Board, upon receipt by it of satisfactory evidence thereof after notice to licentiate and giving licentiate an opportunity to be heard, may forthwith terminate said probation, cancel and revoke said stay of execution and direct that the Order of Revocation herein made shall become immediately effective.

IT IS FURTHER ORDERED that a copy of the Findings of Fact, Conclusions of Law, Order of Revocation and Order of Probation shall be filed with the Secretary of the Board of Medical Examiners of the State of Oregon and that a duly certified copy thereof shall be served upon the said LENDON HOWARD SMITH, M. D.

Dated at Portland, Oregon this 18th day of October 1973.


Raymond M. Reichle, M.D., Chairman
Board of Medical Examiners
of the State of Oregon

RECEIVED AND FILED BY THE
SECRETARY OF THE BOARD OF
MEDICAL EXAMINERS OF THE
STATE OF OREGON THIS

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF OREGON

23rd DAY OF April 1975

[Signature]
Secretary-Treasurer

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In the matter of the Revocation
of the license of

LONDON HOWARD SMITH, M. D.

to practice medicine in the State of Oregon

NOTICE OF MODIFICATION OF PRIOR ORDER

This cause coming on regularly at a probation conference before the Board of Medical Examiners for the State of Oregon, LONDON HOWARD SMITH, M. D., having appeared in person, and the Board having been apprised of the fact by LONDON HOWARD SMITH, M. D. that he had violated the terms of his probation as modified by the Order dated the 14th day of January 1974 by failing to provide the Board with a carbon or copy of all his prescriptions for controlled drugs in violation of sub-paragraph (a) of such Order; and had failed to submit all such copies of prescriptions to the Board office by Wednesday of each week for the preceding week in violation of sub-paragraph (b) of such Order;

IT IS HEREBY ORDERED that the Order heretofore rendered on the 14th day of January 1974 wherein certain conditions of probation were set forth, is hereby modified as follows:

Paragraph 2 in its entirety (including sub-paragraphs (a), (b), and (c) are hereby deleted and the following paragraphs are hereby placed in the said Order:

2. From this date until further Order of the Board, the licentiate shall not write any prescriptions for any of the drugs listed now or later in Schedule II, III, IV and V of the Federal Controlled Substances Act; provided, however, that the prescriptions necessary to the licentiates proper practice of medicine

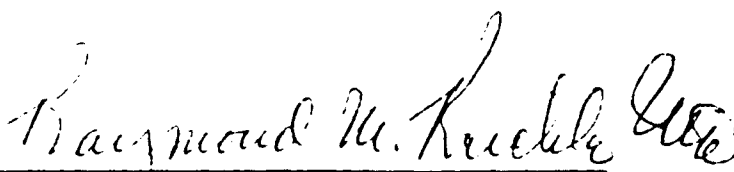
may be presented to licentiates associates and if they deem the prescriptions necessary for the treatment of the patient, the associate may then sign the prescription.

3. The licentiate shall provide the Board with a carbon or copy of each and every prescription for a controlled substance issued by him and signed by an associate by Wednesday of each week for the preceding week.

All other terms and conditions of probation as appears in the original Order of Probation dated the 18th day of October 1973 remain in full force and effect.

You are entitled to a hearing before the Board of Medical Examiners of the State of Oregon as provided by the Administrative Procedure Act (Chapter 183, Oregon Revised Statutes). You may be represented by counsel at the hearing. If you desire a hearing, you must notify the Board of Medical Examiners of the State of Oregon in writing that you wish a hearing within 20 days of the date of service of this Notice upon you. Upon receipt of your notification, the Board of Medical Examiners of the State of Oregon will notify you of the time and place of the hearing.

Dated this 10th day of April 1975.


Raymond M. Reichle, M.D., Chairman
Board of Medical Examiners

RECEIVED AND FILED BY THE
SECRETARY OF THE BOARD OF
MEDICAL EXAMINERS OF THE
STATE OF OREGON THIS

15 DAY OF April 1975
Anthony Hartman
Secretary

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF OREGON

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In the Matter of the Revocation
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LONDON HOWARD SMITH, M. D.

to practice Medicine in the
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NOTICE OF MODIFICATION OF PRIOR ORDERS

This cause coming on regularly before the Board of Medical Examiners of the State of Oregon, and LONDON HOWARD SMITH, M. D., having appeared in person on his own behalf accompanied by his attorney, Mr. Charles H. Habernigg, and the Board having been petitioned by Dr. Smith for a modification in the terms of his probation as set forth by Order dated the 18th day of October 1973, Modified by Order dated the 14th day of January 1974 and further Modified by Order dated the 10th day of April 1975 and the Board having been fully apprised in the premises:

IT IS HEREBY ORDERED that the Orders as set forth in the paragraph above are hereby deleted and in addition thereto the provisions of the previous Orders which have not been deleted or changed are all set forth in the following Order:

NOW THEREFORE, the said Board of Medical Examiners of the State of Oregon does hereby enter the following Order:

1. That the licentiate shall abide by all the laws of the United States and the State of Oregon and its political subdivisions and by the rules and regulations of the Board of Medical Examiners.
2. That the licentiate shall apply to the Drug Enforcement Administration for modification of his privilege to write prescriptions to exclude all medications in Schedule II, III, and V.
3. That upon receipt of his modified Drug Enforcement registration,

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*Typo error
Cylert only being
allowed by Board.*

the licentiate shall furnish the Board a copy of the modified registration.

4. That the licentiate will be allowed to write for Schedule IV drugs only, including the medication CYLERT.

5. That no prescription written by the licentiate shall be in excess of one hundred (100) pills, tablets or capsules in number at any one time.

6. That the licentiate shall indicate on each prescription he writes the patient's name, age, and diagnosis for which the medication has been prescribed.

7. That the licentiate shall provide the Board with a carbon copy of all prescriptions written by him for drugs in the Schedule IV category, including the medication CYLERT.

8. That the carbon copy of the prescriptions written by the licentiate shall reach the Board office by Wednesday of each week for the preceding week.

9. That the licentiate shall confine his practice to pediatrics.

10. That the licentiate shall report in person to the Oregon State Board of Medical Examiners at each of its regular meetings held in Portland, Oregon, commencing October 1975 unless ordered to do otherwise by the Board.

11. That the licentiate may apply in writing to the Board of Medical Examiners for changes or modifications of the terms of this Order of Probation.

Dated this 5 day of Aug 1975.

Peter P. Rowell
Peter P. Rowell, M.D., Chairman
Board of Medical Examiners
for the State of Oregon