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# Anesthesiologist sues Salem surgery center for \$1.6 million

A dispute with nursing staff led to a doctor's firing by Optum-owned Northbank Surgical Center; he says it was for whistleblowing



SHUTTERSTOCK

by [JAKE THOMAS](#) | THE LUND REPORT PREMIUM

APRIL 23, 2024

A Salem-area anesthesiologist claims in a lawsuit that a subsidiary of controversial health care giant Optum, Inc. forced him out of his job for objecting to situations he believed endangered patients.

The suit, however, indicates that the nurses with whom he clashed had raised objections over whether he was asking them to operate outside of what they saw as their permissible scope of practice.

The suit was filed Thursday on behalf of Dr. Ellis Richard Clark in Marion County Circuit Court. It claimed that Salem Surgery Center, which operates under the name Northbank Surgical Center, wrongfully fired him in retaliation for complaining to regulatory boards about a registered nurse who objected to administering a certain type of anesthesia.

Clark was terminated by Northbank for “protected behavior which was taken for the purpose of protecting public safety,” according to the suit, which seeks \$1.63 million in damages.

According to the suit, Clark was terminated in April 2023 after Northbank CEO Christina Pries consulted with SCA Health, the clinic’s majority owner, after he raised concerns over nurses handling of anesthesia drugs. SCA Health was acquired by Optum in 2017 as part of its rapid acquisition of medical practices. Optum, and its parent company UnitedHealth, have been criticized for [anticompetitive practices](#) and [pursuing profit over patient care](#).

The suit sheds light on how safety perspectives can differ at the operating table — leading to unintended consequences.

Representatives of Northbank and SCA Health did not immediately respond to a request for comment from The Lund Report.

The events described in the suit played out in less than a week. They began on April 21, 2023 when Clark was scheduled to provide anesthesia for a pediatric patient. Clark assessed the patient as obese and “at high-risk of suffering airway obstruction, laryngospasm, hypoxia, brain damage, or death during treatment,” according to the lawsuit.

Clark directed a registered nurse to administer propofol, a short-term injectable anesthetic drug, to the patient. Propofol has long been the subject of [debate and discussion](#) over the circumstances in which non-anesthesiologists can administer it. In Oregon, certified nurse anesthetists receive special training allowing them to administer sedation without supervision.

According to the suit, the nurse’s supervisor interrupted the procedure, opening the door and telling her to stop administering the drug.

The nurse stopped after administering most of the dose — but not all of it as Clark had intended, he alleged in the suit.

“Despite this, Dr. Clark assessed that the patient was at an adequate level of anesthesia but determined that the interruption was an unsafe practice situation because it put the patient at

unnecessary risk and could have caused severe complications,” reads the lawsuit.

On April 24, Clark shared his concerns with Northbank managers and told them he would contact the Oregon Medical Board and his medical liability carrier for guidance about the incident. The following day, Clark reported the incident to the medical board as well as the Oregon State Board of Nursing based on advice from his liability carrier, according to the suit.

On the morning of April 26, Clark was preparing to take care of several pediatric patients and asked the nurse working with him that day to review state regulations governing the standards and scope of practice for nurses, according to the suit.

Additionally, Clark asked the nurse to review guidelines from the Association of periOperative Registered Nurses that stated that an operating room nurse is to execute “immediate directives and interventions in urgent or emergent situations,” the lawsuit states.

Clark asked the nurse if she had the competency to administer propofol or other similar anesthesia drugs, according to the suit. Citing Northbank policies and procedures as described to her by her supervisor, the nurse “would not affirmatively represent to Dr. Clark, that she could administer the propofol or other drugs at issue,” according to the suit.

Clark claims he then told Pries “he thought circulating nurses objecting to administering standard of care medications was an unsafe practice, and that he wasn’t comfortable caring for pediatric patients under those conditions.”

Later that evening, Pries called Clark and “informed him that she had consulted with SCA Health,” and that he was fired according to the lawsuit.

Clark had intended to retire from Northbank in 2026 and hadn’t learned other anesthesiology techniques and procedures that would make him employable at other health care facilities, according to the suit.

“Therefore, when (Clark) was terminated he was severely disadvantaged in any attempt to obtain additional or new employment,” reads the lawsuit.

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