

- 1 d. If Straus otherwise qualifies for licensure within the
 2 State of Oregon upon such new application, he will be
 3 granted a probationary license for a period of two years
 4 during which he must comply strictly with all Oregon
 5 revised statutes and Oregon administrative rules
 6 concerning naturopathy, and agree to make his records
 7 available to Board inspection without notice during
 8 normal business hours (9 a.m. to 5 p.m.) on weekdays.
- 9 e. He will make no application for an obstetrical
 10 certificate in Oregon.
- 11 f. Straus agrees to pay a civil penalty in the amount of
 12 \$1,000. The civil penalty is to be paid in five equal
 13 installments of \$100 per month beginning with the return
 14 of this signed Stipulated Final Order. Upon payment of
 15 \$500, the additional \$500 will be due and payable to the
 16 Board if Straus is ever relicensed as a naturopathic
 17 physician in Oregon.

18 IT IS SO STIPULATED.

19 Signature on file _____

20 John Straus

PO Box 485

21 Address

West. Kennebunk, ME 04094-0485

22 City, State, Zip Code

20/15/92
 23 Date

24 IT IS SO ORDERED this 29th day of October, 1992.

25 BOARD OF NATUROPATHIC EXAMINERS
 State

Signature on file

26 By: _____

Den C. Walker, N.D., Chairman

PJS:ros\JGG048F7

Certified Mail

BEFORE THE
BOARD OF NATUROPATHIC EXAMINERS
OF THE STATE OF OREGON

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In the Matter of the)
License of)
JOHN STRAUS, N.D.,)
Licensee.)

NOTICE OF PROPOSED
REVOCAION OF LICENSE;
IMPOSITION OF CIVIL PENALTY

TO: John Straus, N.D.
563 S.W. Jefferson
Corvallis, OR 97333

The Board of Naturopathic Examiners ("Board") proposes to
revoke the license to practice naturopathy of John Straus, ("Straus")
and to impose a civil penalty in the amount of \$1,000 for conduct
violating ORS 685.110(1), (6), (12) or (23) or OAR 850-10-110(2)
or 850-10-190(5), or all of them, as more fully alleged herein.

1.

Straus is a licensed naturopathic physician within the State
of Oregon and is subject to the disciplinary actions of the Board.

2.

On June 22, 1988 Straus applied to the Board for certification
to practice natural childbirth. This application was received by
the Board on July 23, 1988. In this application Straus stated
that he had completed the midwifery program at John Bastyr College.
As part of the application, Straus also submitted a list of 42
births in which he had participated. The Board gave Straus his
certificate to practice natural childbirth on February 28, 1989.

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Straus represented that he had completed the midwifery course at John Bastyr College. He did not complete this course. This is conduct that violates ORS 685.110(1) or OAR 850-10-110(2), or both of them, and is grounds for license sanction.

4.

Straus submitted the names of 42 babies whose births he assisted. This list also included the supervisor for each of the births. Two of the supervisors, Carole Severson and Mabel Dzata, are lay midwives. OAR 850-10-230 (1)(a)(B) requires applicants to have taken part in the prenatal and postnatal care of 40 women and to have observed and assisted in 40 natural childbirths, both under the direct supervision of a licensed physician with specialty training in obstetrics and/or natural childbirth. The births supervised by Severson and Dzata were not supervised by a licensed physician. Representing these births as being supervised by a licensed physician is conduct that violates ORS 685.110(1) or OAR 850-10-110(2), or both of them, and is grounds for license sanction.

5.

In his application Straus represented that Carole Severson supervised 29 births at which he was present or assisted. Straus was not present at the births of Lilah Inman on 5/30/87, Kaytie Runyan on 7/8/88, Danielle Anderson on 8/30/88, Richard Dammeier on 10/6/88, Nathaniel Klinkner on 10/26/88, Charles Hyden on 11/9/88 and Joshua Begin on 5/5/89. This is conduct that violates

1 ORS 685.110(1) or (6) or OAR 850-10-110(2), or all or some of
2 them, and is grounds for license sanction.

3 6.

4 In 1989 Straus undertook the obstetrical care of Brigitte
5 Lang ("Lang"). Straus represented to Lang that he was a specialist
6 in home births. Lang paid Straus for her prenatal and intrapartum
7 care. Straus was not a specialist in home births because he had
8 procured his certificate in natural childbirth through fraud or
9 deception. This conduct violates ORS 685.110(6), (12) or (23) or
10 OAR 850-10-190(5), or all or some of them, and is grounds for
11 license sanction.

12 7.

13 Straus is entitled to a hearing as provided by the
14 Administrative Procedures Act (ORS Chapter 183). He may be
15 represented by counsel at the hearing. If he desires a hearing,
16 he must notify the Board in writing that he requests a hearing
17 within 21 days of the date of the mailing or service of this
18 Notice to Straus. If a request for a hearing is not received
19 within this 21-day period, Straus' right to a hearing shall be
20 considered waived unless excused for mistake, inadvertence,
21 surprise or excusable neglect. Upon receipt of the request for a
22 hearing from Straus, the Board will notify him of the time and
23 place of the hearing.

24 8.

25 If Straus requests a hearing he will be given information on
26 the procedures, rights of representation and other rights of

1 parties relating to the conduct of the hearing as required under
2 ORS 183.413 before commencement of the hearing. If Straus
3 requests a hearing, an answer to the charges herein is requested,
4 pursuant to the procedural rules of the Board, which shall be made
5 in writing to the Board by Straus or his attorney, which answer
6 shall include an admission or denial of each factual matter
7 alleged in this Notice and a short and plain statement of each
8 relevant affirmative defense Straus may have. Except for good
9 cause, facts alleged in the Notice and not denied in the answer
10 shall be presumed admitted, failure to raise a particular defense
11 in the answer will be considered a waiver of such defense, new
12 matters alleged in the answer (affirmative defenses) shall be
13 presumed to be denied by the Board, and evidence shall not be
14 taken on any issue not raised in the Notice and answer. If Straus
15 fails to request a hearing within 21 days, or fails to appear at a
16 scheduled hearing, the Board may issue a final order by default
17 revoking Straus' license to practice naturopathy and imposing a
18 civil penalty in the amount of \$1,000 based upon the records and
19 files currently within the possession of the Board and its
20 attorney pertaining to this case.

21 DATED this 19 day of May, 1992.

22 OREGON BOARD OF NATUROPATHIC EXAMINERS

23 By: Signature on file
24 Dr. Don C. Walker, N.D., Chairman

25
26 WAR:war:ros:JGG03260.W51