

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of)
)
JANE BIRCHARD, N.D.) **CONSENT ORDER**
) Case No. N09-03-08
)
Licensee.)
_____)

The Oregon Board of Naturopathic Medicine (hereafter "Board") is the state agency responsible for licensing, regulating and disciplining naturopathic doctors in the State of Oregon. Jane Birchard, N.D., (hereafter "Licensee"), is a licensed naturopathic doctor in Oregon.

The Board issued a Notice of Proposed Disciplinary Action to Licensee in the above-captioned case. Licensee timely filed a Request for Hearing and Answer. This Consent Order is the final resolution of this matter, including the right to any hearing, appeal, or judicial review.

SETTLEMENT AGREEMENT

The Board and Licensee agree to informally resolve this matter on the following terms:

1. Licensee and the Board stipulate to the findings of fact as set forth in the Notice of Proposed Discipline issued March 24, 2011, and incorporated herein by reference.
2. Licensee and the Board stipulate that Licensee's conduct in treating Patients A through F was below the standard of care in violation of ORS 685.110(8). Licensee's conduct in treating Patients A through F was unprofessional and may have placed the patients at risk of harm in violation of ORS 685.110(14) and OAR 850-050-0190(3)(a).
2. Licensee is responsible for all costs incurred to comply with this Consent Order.
3. Licensee acknowledges that Licensee has read, understands, and agrees to the terms of this Consent Order. Licensee waives any and all rights to hearing, appeal or other legal challenge to this Consent Order.
4. The parties acknowledge that this Consent Order is a public document.
5. The Board acknowledges that this Consent Order resolves all issues alleged in the Order and Notice and any similar allegations of prescribing or charting practices that occurred prior to the

date of this Order. The Board will take no further disciplinary action based upon those facts or allegations.

6. Licensee agrees the Board may enter the following order, which takes effect on the date it is signed by the Board:

ORDER

1. Licensee's license to practice naturopathic medicine is hereby limited with a complete prohibition against prescribing, administering, dispensing or ordering any substance listed on the federal Drug Enforcement Agency's Schedules II and III. Upon Licensee's request, the Board may lift this limitation if she obtains fifty (50) hours of supervised training in pain management with an experienced health care provider, who is pre-approved by the Board;
2. Licensee shall pay civil penalties of thirty-thousand dollars (\$30,000);
3. In addition to the Board's regular continuing education requirements, Licensee shall complete 30 continuing education hours that are pre-approved by the Board, within 18 months: specifically, three (3) hours on patient record keeping/charting, twelve (12) hours on pain management, three (3) hours on ethics, and twelve (12) hours on drug addiction; and
4. Beginning July 15, 2011, Licensee shall be on probation for a period of five (5) years during which time Licensee must comply with the following conditions:
 - a) Licensee shall comply with the statutes, rules and orders of the Board;
 - b) While on probation, when providing any prescription to a patient, Licensee shall use pre-numbered prescription pads in triplicate, copies of which are to be submitted to the Board on a quarterly basis. In addition, Licensee shall maintain a log of prescriptions, and submit a copy of this log to the Board on a quarterly basis; and
 - c) Licensee shall agree to allow the Board's staff to make random, unannounced inspections of patient charts and records during regular business hours.

IT IS SO STIPULATED.

Signature on file _____ Date 6-24-2011
Jane Birchard, N.D.

Dated this 24th of June, 2011.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

By: [Signature] Signature on file
Anne Walsh
Executive Director