BEFORE THE
BOARD OF NATUROPATHIC EXAMINERS
STATE OF OREGON

In the Matter of the License of, ROBERT J. SCHWARTZ, N.D., Licensee.	Agency Case No. N07-06-05 **SETTLEMENT AGREEMENT AND CONSENT ORDER**

The Board of Naturopathic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon. Robert J. Schwartz, N.D. (Licensee) is a licensed naturopathic physician currently practicing in The Dalles, Oregon, and is subject to the jurisdiction of the Board.

The Board issued a Notice of Intent to Discipline and Right to a Hearing (Notice) on October 26, 2007. The Notice is incorporated into this Settlement Agreement and Consent Order (Consent Order) by reference. Licensee timely requested a hearing. This Consent Order is the final resolution of these proceedings, including the right to any hearing, appeal, or judicial review.

SETTLEMENT AGREEMENT

The Board and Licensee agree to resolve these matters informally on the following terms:

1. Licensee and the Board stipulate to the following findings of fact and conclusions of law:

   a. Licensee violated ORS 685.110(10), 685.110(25), OAR 850-060-0220 and OAR 850-050-0190(12) by prescribing forty-three (43) substances that were not on the approved Naturopathic Formulary in OAR 850-060-0225 for various patients between the dates of March 29, 2005 and June 25, 2007.

   b. Licensee violated ORS 685.110(15) by failing to keep adequate chart notes.

2. The Board finds a limitation of Licensee's License, No. 0674, and probation are appropriate remedies for the foregoing violations. The Board and Licensee stipulate to a license

1 limitation for a period of six (6) months during which Licensee may not prescribe any controlled
2 substance or drug subject to the terms of this Consent Order.
3 3. The Board and Licensee further stipulate to a probation period of four and one-
4 half years (4.5) following the six-month license limitation subject to the terms of this Consent
5 Order.
6 4. Licensee agrees to pay civil penalties totaling $43,000 under the terms of the
7 Consent Order. Failure to comply with the terms of any payment arrangement made with the
8 Board shall be a violation of this Consent Order.
9 5. Licensee waives all rights to a contested case hearing, judicial review or any
10 appeal in this matter.
11 6. The Board acknowledges that this Consent Order resolves all issues alleged in the
12 Order and Notice and that the Board will take no further disciplinary action based upon any of
13 the facts alleged in the Order and Notice.
14 7. The parties acknowledge that this Consent Order is a public document.
15 **CONSENT ORDER**
16 The Board issues the following final order:
17 8. Licensee's license to practice naturopathic medicine (License No. 0674) is
18 HEREBY LIMITED for a period of six (6) months, beginning the date this Consent Order is
19 signed by the Board. This license limitation prohibits Licensee from prescribing any controlled
20 substance or drug of any kind other than described in OAR 850-060-0220(2), (3), (4) or (5).
21 9. Licensee shall be on probation for a period of four and one half (4.5) years,
22 beginning the date the license limitation described in paragraph 8 above ends. The terms of
23 probation are as follows:
24 a. Licensee may not call in any prescriptions to a pharmacy;
25 b. Licensee must use pre-numbered triplicate prescription pads for all
26 prescriptions;

c. Licensee must submit copies of all prescriptions to the Board on a bi-monthly basis. Licensee shall submit one copy of every prescription that he writes to the Board on a bi-monthly basis. Licensee shall use the prescriptions in their numeric order, and in the event any prescription is not used, Licensee shall mark all three copies void and submit them to the Board on a bi-monthly basis. The second copy to the triplicate pad shall be maintained in the file of the patient for whom the prescription was written. Licensee shall also submit a complete and updated copy of his prescription log to the Board on a bi-monthly basis; and

d. Licensee shall allow Board staff immediate access to review Licensee's office during business hours, at random times and without advance notice.

10. Licensee may obtain and use products marked with an asterisk(*) in the Naturopathic Formulary Compendium in OAR 850-060-0225, provided that such products are only applied or administered in Licensee's office during treatment and they are not prescribed to a patient or third party.

11. Licensee is liable for $43,000 in total civil penalties. $21,500 of those civil penalties shall be stayed for five (5) years from the date the Board signs this Consent Order, under the following terms and conditions:

a. Licensee shall not violate any provision of ORS Chapter 685, OAR Chapter 850, or a term of this Settlement Agreement and Consent Order;

b. Licensee shall pay $21,500 in civil penalties. Payment must be made in full within two years of the date the Board signs this Consent Order; and

c. If Licensee fully complies with the foregoing, the Board shall waive the $21,500 in stayed civil penalties at the end of the five (5) year period. But if the Board finds that Licensee has violated any of and the terms and conditions stated herein, the Board may impose the $21,500 in stayed civil

penalties. Further, this Order does not limit the Board from taking other action to enforce this Consent Order.

12. If Licensee commits any violation of ORS Chapter 685, OAR Chapter 850, or a term of this Settlement Agreement and Consent Order, the Board may revoke Licensee's license, without providing Licensee the opportunity for hearing or appeal on the merits of revocation as a disciplinary action.

13. Within one year from the date the Board signs this Consent Order, Licensee shall complete a Board-approved three (3) hour continuing education program in patient charting and record keeping and complete a two (2) hour Board-approved continuing education program on the Naturopathic Formulary. These hours are in addition to the hours required of all licensed naturopaths for license renewal.

14. Licensee shall meet with the Board after the six-month license limitation is complete to discuss his practice when such a meeting is requested by the Board.

IT IS SO ORDERED this 31st day of March 2008.

BOARD OF NATUROPATHIC EXAMINERS

Signature on file

Rick F. Marinelli, N.D., Chair

IT IS SO STIPULATED.

Signature on file

Robert J. Schwartz, N.D. — 3/17/08 Date

Approved as to form:

Signature on file

Thomas E. Cooney
Attorney for Licensee — 3/24/08 Date