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BOARD OF NATUROPATHIC EXAMINERS

BEFORE THE
BOARD OF NATUROPATHIC EXAMINERS
STATE OF OREGON

In the Matter of: ALAN A. KADISH, N.D., Licensee.	Case No. N01-03-01 FINAL ORDER INCORPORATING SETTLEMENT AGREEMENT

Based on the attached Settlement Agreement, which is incorporated herein, the Board of Naturopathic Examiners of the State of Oregon finds that Alan A. Kadish, N.D. has violated ORS 685.110(10) as alleged in the Notice of Proposed Disciplinary Action on file in this proceeding and that no hearing is required.

It is, therefore, ORDERED that pursuant to ORS 685.110(10) a civil penalty in the amount of $500 be imposed.

DATED this 7th of August, 2001.

Signature on file

Gregory Garcia, N.D.
Chair, Board of Naturopathic Examiners

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 378-6003

BEFORE THE
BOARD OF NATUROPATHIC EXAMINERS
STATE OF OREGON

In the Matter of the License of: ALAN A. KADISH, N.D., Licensee.	Case No. N01-03-01 SETTLEMENT AGREEMENT

The Board of Naturopathic Examiners of the State of Oregon (Board) and Alan A. Kadish, N.D., do hereby agree and stipulate as follows:

1. A Notice of Proposed Disciplinary Action of License has been served on Dr. Kadish.

2. The Notice of Proposed Discipline alleges violation of ORS 685.110(10).

3. The Board and Dr. Kadish are willing to settle this matter.

4. Dr. Kadish admits that he committed the violation alleged in the Notice and agrees that the Board may enter an order finding that this violation was committed as alleged in the Notice.

5. The Board and Dr. Kadish agree that the Board will impose a civil penalty in the amount of $500.

6. Dr. Kadish waives all rights to a contested case hearing or any further appeal.

Signature on file
Gregory Garcia, N.D.
Chair, Board of Naturopathic Examiners

8-7-01
Date

Signature on file
Alan A. Kadish, N.D.

8/13/01
Date

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BEFORE THE
BOARD OF NATUROPATHIC EXAMINERS

STATE OF OREGON

In the Matter of the License of ALAN A KADISH, N.D., Licensee.	Case No. N01-03-01 NOTICE OF PROPOSED DISCIPLINARY ACTION ON LICENSE (CIVIL PENALTY)

1.

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

2.

Pursuant to ORS 685.110, the Board proposes to impose a civil penalty on Licensee.

3.

On or about October 28, 1998 Licensee treated D.W.

4.

On or about February 5, 1999 Licensee prescribed Prilosec for D.W.

5.

Prilosec is a substance that is not listed on the Naturopathic Formulary Compendium. (OAR 850-010-0025).

6.

Licensee, by dispensing Prilosec, a substance not listed on the Naturopathic Formulary Compendium, prescribed or dispensed drugs outside the scope of practice for naturopathic physicians licensed in Oregon, a violation of ORS 685.110(10).

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7.

The Board proposes to impose a civil penalty for violation of ORS 685.110(10) in the amount of $500.

NOTICE OF RIGHT TO HEARING

8.

Licensee has the right, if Licensee requests, to a hearing as provided by the Administrative procedures Act (ORS Chapter 183) before the Board or its hearing officer to contest the matters set out above. At the hearing, Licensee may be represented by an attorney, and may subpoena and cross-examine witnesses. A request for hearing must be made in writing to the Board, and must be received by the Board within 21 days from the date of mailing of this notice (or if not mailed, the date of personal service), and must be accompanied by a written answer to the charges contained in this Notice. Upon receipt of a request for hearing, the Board will notify licensee of the time and place of the hearing. If Licensee requests a hearing, Licensee will be given, prior to the commencement of the hearing, information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing as required by ORS 183.413(2).

9.

The answer shall be made in writing to the Board and shall include an admission or denial of each factual matter alleged in this Notice, and a short plain statement of each relevant affirmative defense Licensee may have. Except for good cause, factual matters alleged in this notice and not denied in the answer shall be presumed admitted; failure to raise a particular defense in the answer will be considered a waiver of such defense; and new matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency and evidence shall not be taken on any issue not raised in the Notice and answer.

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10.

If Licensee fails to request a hearing within 21 days, or fails to appear as scheduled at the hearing, the Board may issue a final order by default and impose the above sanctions against Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this case automatically becomes part of the evidentiary record of this disciplinary action for the purpose of proving a prima facie case. ORS 183.415(6).

Dated this 11th day of June, 2001

BOARD OF NATUROPATHIC EXAMINERS
State of Oregon

Signature on file

By: **Signature on file**
Anne Walsh, Executive Director

Department of Justice
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