

1 committed as alleged in the Notice.

2 Dr. Lavell agrees to probation for five years, to commence on the date the settlement is
3 signed by the Board. After three years, Dr. Lavell may ask the Board to consider early
4 termination, once all the conditions of this order have been satisfied. During the probationary
5 period, Dr. Lavell is required to allow random review of patient charts by an approved
6 Naturopathic physician until such time as the Board determines that he is competent in patient
7 charting.

8 Dr. Lavell agrees to a restriction on his license that prohibits the prescribing any opiate
9 medication for three years. After a minimum of one year and completion of the continuing
10 education requirements for opiate prescribing and pain management, Dr. Lavell may request that
11 this restriction be terminated. During the balance of the probationary period, Dr. Lavell agrees to
12 maintain a prescription log and submit it quarterly to the Board for review. These prescription
13 logs will be submitted the 10th of the first month for each quarter, beginning the first full month
14 after the settlement is signed.

15 Dr. Lavell agrees to complete the following Board approved continuing education (CE):

16 a) twelve (12) hours on opiate prescribing and pain management;

17 b) fifteen (15) hours on physical medicine specific to treatment of orthopedic and
18 manipulative care; and

19 c) three (3) hours on patient charting.

20 The CE hours would be in addition to the CE required of all Naturopathic physicians. If
21 Dr. Lavell has completed CE beyond what is required for licensure as a naturopathic physician,
22 and obtained these hours after the December 10, 2003 notice was issued, he may request the
23 Board consider approval of these hours towards the satisfaction of this agreement.

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1 Dr. Lavell agrees to pay a civil penalty of \$5,500. Dr. Lavell agrees that the civil penalty
2 is assessed for violation of ORS 685.110(13), (16), (8), and (24) as follows:

3 a) \$1,000 for violation of ORS 685.110(13) for repeatedly over prescribing opiate
4 medication hydrocodone 10mg. combined with acetaminophen;

5 b) \$1,000 for violation of ORS 685.110(13) for failing to document patient charts in a
6 manner that would justify the over prescribing;

7 c) \$1,000 for violation of ORS 685.110(16) for willfully and consistently utilizing
8 services and treatment contrary to recognized standards of care by the repeated over prescribing
9 of opiate and acetaminophen medication; and the use of "cut and paste" charting which fails to
10 reflect true and contemporary patient care;

11 d) \$1,000 for violation of ORS 685.110(8) for being negligent in the practice of
12 naturopathic medicine by maintaining incomplete documentation relating to opiate and
13 acetaminophen prescribing for patients;

14 e) \$ 1,000 for violation of ORS 685.110(8) for being negligent in the practice of
15 naturopathic medicine by treating a patient in a potentially harmful manner; and

16 f) \$500 for violation of ORS 685.110(24) for failure to respond in a timely manner to
17 Board requests for information.

18 The civil penalty of \$5,500 is due within 90 days of the signing of this settlement
19 agreement.

20 4.

21 Dr. Lavell understands that failure to comply with any condition of this settlement
22 agreement or statute, rule or order of the Board, will be a violation of this agreement and the
23 Board could take further disciplinary action including, but not limited to, suspension or
24 revocation of his license after an opportunity for a contested case hearing, where the sole issue is
25 whether Dr. Lavell violated this settlement.

Dr. Lavell waives all rights to a contested case hearing or further appeals. The Settlement Agreement constitutes the entire agreement and will go into effect on the date that the Board signs the agreement. The Settlement Agreement will remain in effect until all conditions of this agreement are satisfied.

Signature on file
Martin P. Lavell, ND

12-13-04
Date

Signature on file
Terrance L. McCauley, Attorney

12-13-04
Date

Signature on file
Gregory Garcia, ND
Chair, Oregon Board of Naturopathic Examiners

12-15-04
Date