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2                   BEFORE THE BOARD OF NATUROPATHIC EXAMINERS  
3                                   OF THE STATE OF OREGON

4 In the Matter of the License of

5                   ALAN A. KADISH, N.D.,

6                                   Licensee.

OAH Case No.: 11737

AGENCY Case No.: N04-04-08

ALJ A. Bernadette House

7                                   SETTLEMENT AGREEMENT AND CONSENT  
8                                   ORDER

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

13                   The Board issued a Notice of Proposed Disciplinary Action on License on August 19,  
14                   2004, which was amended on December 10, 2004. Respondent timely requested a contested  
15                   case hearing. This Settlement Agreement and Consent Order is the final resolution of this  
16                   proceeding, including the right to any hearing, appeal, or judicial review.

17                   The parties agree to resolve this matter on the following terms:

- 18                   1. Licensee agrees the Board may issue an order finding that Licensee prescribed a drug not  
19                   listed on the Naturopathic Formulary Compendium, in violation of ORS 685.110(10),  
20                   ORS 685.010(3) and ORS 685.030(2) on at least eight occasions.
- 21                   2. Licensee agrees the Board may issue an order imposing a civil penalty of \$1,000 for each  
22                   violation, totaling \$8,000 in civil penalties, for prescribing drugs not listed on the  
23                   Naturopathic Formulary in violation of ORS 685.110(10), ORS 685.010(3) and ORS  
24                   685.030(2) and licensee agrees to pay civil penalties of \$8,000 within 90 days.
- 25                   3. Licensee agrees that Board may impose probation as proposed in the Notice, including 10  
26                   hours of continuing education in the pharmacology of formulary substances and  
27                   including three additional hours of continuing education in ethics specific to medical  
28                   consultation and patient care.
- 29                   4. Licensee understands that failure to comply with any condition of probation or statute,  
30                   rule or order of the Board, will be a violation of this agreement and the Board could take  
31                   further disciplinary action including, but not limited to suspension or revocation of his  
32                   license.

1 5. The parties agree this Consent Order is a public document. This Consent Order will go  
2 into effect on the date that the Board signs the Order.

3 It is so stipulated.

4 **Signature on file**

5 Alan A. Kadish, N.D.

3/1/05  
Date

6 Approved as to form:

7 **Signature on file**

8 Connie Elkins McKelvey, of attorneys  
for Alan A. Kadish, N.D.

2/21/05  
Date

9 The Board hereby issues the following final order:

- 10
- 11 1. Between April 1, 2003 and June 5, 2004, Licensee prescribed a drug not listed on the  
12 Naturopathic Formulary Compendium, in violation of ORS 685.110(10), ORS  
13 685.010(3) and ORS 685.030(2) on at least eight occasions.
  - 14 2. Licensee was the subject of a prior enforcement action before the Board, which resulted  
15 in a Settlement Agreement signed by Licensee in August 2001. Licensee agreed to pay  
16 \$500 for a violation of ORS 685.110(10). As a second-time violator, a civil penalty of  
17 \$1,000 is imposed on Licensee for each violation, totaling \$8,000 in civil penalties.  
18 Licensee shall pay civil penalties of \$8,000 within 90 days.
  - 19 3. Licensee shall be on probation for twelve months commencing from the date this order is  
20 signed by the Board under the following terms:
    - 21 a. Licensee shall complete 10 additional hours of Board-approved Continuing Education  
22 in the pharmacology of formulary substances and 3 additional hours of Board-  
23 approved Continuing Education in ethics specific to medical consultation and patient  
care within twelve months. The 13 hours are in addition to the 25 hours required to  
maintain an active license in Oregon;
    - b. Beginning February 1, 2005, Licensee shall keep records of all pharmacy prescriptions  
issued to patients and send a copy of these prescriptions to the Board's office for  
review by the Board. The records for each calendar month must be submitted to the  
Board by the 10<sup>th</sup> day of each following month. Failure to submit records of all  
pharmacy prescriptions issued to patients between February 1, 2005 and February 1,  
2006 shall be deemed a violation of probation and this consent order.

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4. Licensee understands that failure to comply with any condition of probation or statute, rule or order of the Board, will be a violation of this agreement and the Board could take further disciplinary action including, but not limited to suspension or revocation of his license.

IT IS SO ORDERED this 10<sup>th</sup> day of March, 2005.

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