

BEFORE THE
 BOARD OF NATUROPATHIC EXAMINERS
 STATE OF OREGON

In the Matter of)	
)	
JANE BIRCHARD, N.D.)	CONSENT ORDER
)	
Licensee.)	
_____)	Case No. N08-09-22

The Oregon Board of Naturopathic Examiners (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.

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

1. Licensee and the Board stipulate to the following findings of fact:
 - a. Licensee treated Patient Z from approximately September 2005 through October 2008. Licensee's chart notes do not document a physical exam of the patient during this time.
 - b. In 2006, Licensee prescribed dilaudid for Patient Z three times with limited chart notes on the reason for this prescription. Beginning on or about October 25, 2006, Licensee began prescribing oxycodone on a regular basis to Patient Z. The reasons for each oxycodone prescription are poorly documented in the chart and there is no documentation in some instances. Licensee's prescriptions increased to larger sizes, and the frequency of prescriptions increased over time. Licensee and Patient Z did not sign an opioid agreement until on or about August 27, 2008.

Licensee had prescribed narcotic pain medication to Patient Z thirty-six times over a two year period before initiating a pain management agreement.

- c. Patient Z's primary care physician during this time was a medical doctor. Patient Z has a prior history of substance abuse before becoming a patient of Licensee. Patient Z was hospitalized during the general period of time that patient was receiving treatment from Licensee. Licensee did not contact Patient Z's primary care physician, hospital doctors or surgeons to coordinate care or otherwise notify these physicians that she was prescribing oxycodone to Patient Z. Licensee provided duplicate pain management at times.

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. 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 conduct in treating Patient Z was below the standard of care in violation of ORS 685.110(8). Licensee's conduct in treating Patient Z was unprofessional and may have placed Patient Z at risk of harm in violation of 685.110(15) and OAR 850-050-0190(3)(a).
2. The Board hereby issues a Letter of Reprimand to Licensee.
3. Licensee shall be on probation for one year from the effective date of this Order. The terms of probation are as follows:
 - a. Licensee shall comply with the statutes and rules of the Board; and

- b. Licensee shall, in addition to the Board's regular continuing education requirements, attend at least nine hours of board-approved continuing education courses on opioid prescribing, addiction and charting.

IT IS SO STIPULATED.

Signature on file

Jane Birchard, N.D. 7-8-09
Date

Dated this 15th of July, 2009.

BOARD OF NATUROPATHIC EXAMINERS
State of Oregon

Signature on file

By: Anne Walsh
Executive Director