

BEFORE THE  
BOARD OF NATUROPATHIC MEDICINE  
STATE OF OREGON

In the Matter of the License of

KATHLEEN FLEWELLING, N.D.,

Licensee.

Case No. N13-02-02

CONSENT ORDER

The Board of Naturopathic Medicine (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon. Kathleen Flewelling, N.D., (Licensee) is a licensed naturopathic physician in Seaside, Oregon, and is subject to the jurisdiction of the Board.

The Board issued a Notice of Proposed Disciplinary Action (Notice) to License on February 5, 2014, which is incorporated herein by reference. Licensee had the opportunity to request a hearing on such a Notice. The parties wish to resolve this matter informally, without any hearing, appeal or judicial review, by entering this Settlement Agreement and Consent Order, pursuant to ORS 183.417(3).

**SETTLEMENT AGREEMENT**

1. The Board and Licensee stipulate to the following:

Licensee treated Patients A, B, C, D, E, F, and G as detailed in the Notice. Licensee prescribed opiates for these patients in doses that are not supported by objective findings. Licensee did not screen for contraindications before prescribing opiates and did not screen prior to prescribing benzodiazepines to a patient. Licensee did not routinely screen for diversion or multi-use while prescribing opiates to these patients. Licensee did not refer patients for addiction, psychiatric or long-term pain treatment as necessary.

2. Licensee and the Board stipulate that Licensee's conduct in treating Patients A, B, C, D, E, F, and G was below the standard of care for chronic pain management in violation of ORS

685.110(8). Licensee's conduct was unprofessional and may have placed the patients at risk of harm in violation of ORS 685.110(14) and OAR 850-050-0190(3).

3. Licensee agrees the Board may enter the Consent Order set forth below.
4. Licensee enters into this Settlement Agreement and Consent Order voluntarily and without any force or duress. Licensee states that the Board and Board staff have not made promises or representations not stated herein to induce her to sign this document and agree to issuance of the Order.
5. Licensee acknowledges that she has had the opportunity to seek the advice of legal counsel. Licensee further acknowledges that she understands and agrees to the terms of this Order.
6. Licensee understands that she has the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and fully and finally waives any and all right to a hearing and any rights to appeal or otherwise challenge this Settlement Agreement and Consent Order.
7. The parties acknowledge that this Settlement Agreement and Consent Order is a public document.
8. This Settlement Agreement and Consent Order shall take effect on the date it is signed by the Board.

IT IS SO STIPULATED.

 Signature on file   
Kathleen Flewelling, N.D. 

4/23/14  
Date

## CONSENT ORDER

The Board issues the following final order:

1. Licensee's license to practice naturopathic medicine is hereby limited as follows:  
Licensee may not prescribe, administer, dispense or order any controlled substance for which registration with the federal Drug Enforcement Agency is required from the effective date of this order;
2. Licensee shall pay civil penalties in the total amount of thirty-five thousand dollars (\$35,000). The Board suspends payment of \$17,500 of these civil penalties, which the Board will waive if Licensee complies with the terms of this Settlement Agreement and Consent Order, ORS Chapter 685 and the administrative rules adopted by the Board in OAR Chapter 850. If Licensee fails to pay the civil penalties or otherwise fails to comply with this Settlement Agreement and Consent Order, the Board may assess all or a portion of the suspended penalties. A payment plan on the amount of the civil penalties due upon entry of this order (\$17,500) must be approved by the Board's executive director;
3. Licensee shall be on probation for five (5) years with the following conditions:
  - a. In addition to the Board's regular continuing education requirements, during the first year of probation, Licensee shall complete thirty (30) additional continuing education hours that are pre-approved by the Board: specifically, three (3) hours on patient record keeping/charting, twelve (12) hours on pain management, three (3) hours on dealing with difficult patients, and twelve (12) hours on recognizing drug addiction/dealing with drug addicted patients;
  - b. Licensee shall submit 10 patient charts for review to a naturopathic physician, who is pre-approved by the Board, for review every three months at Licensee's expense, and within thirty days of the end of each quarter provide the Board with a report from the reviewing doctor noting any concerns with Licensee's patient care during the prior

quarter, including a checklist for each patient chart he or she reviews that answers at least the following questions:

- i) Does the patient chart contain an adequate objective assessment of the patient?
- ii) Did Licensee order and evaluate appropriate laboratory tests?
- iii) Was a physical examination necessary for a patient visit, and if necessary, did Licensee complete an adequate physical exam?
- iv) Did Licensee adequately document and chart any drugs prescribed or administered?

c. Licensee shall comply with the statutes, rules and orders of the Board; and

4. Licensee's failure to comply with any term of this order, ORS chapter 685 or OAR chapter 850 shall be grounds for additional discipline by the Board.

DATED this 25<sup>th</sup> day of APRIL 2014.

BOARD OF NATUROPATHIC MEDICINE  
State of Oregon

**Signature on file**

Anne Walsh, Executive Director