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3 BOARD OF NATUROPATHIC EXAMINERS  
4 STATE OF OREGON  
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8 In the Matter of ) FINAL ORDER BY DEFAULT  
9 RICHARD M. FINLEY, ND )  
10 Licensee ) Case # N99-02-01  
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12  
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14 On August 12, 1999, a Notice stating that the Oregon Board of Naturopathic Examiners  
15 (Board) intended to propose disciplinary action on the naturopathic license of  
16 Richard M. Finley, ND (Licensee) was served upon licensee by certified mail. This Notice  
17 alleged that Licensee prescribed drugs outside the scope of practice for naturopathic physicians  
18 in the State of Oregon, by issuing to L.G. a prescription for phentermine, a substance not listed  
19 on the Naturopathic Formulary Compendium. The Notice further granted Licensee an  
20 opportunity for hearing, if requested within 21 days from the date of service by U.S. Mail of the  
21 Notice. No such request for hearing has been received by the Board. The Notice designated the  
22 Board's file on this matter as the record for purposes of default.  
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24

25 NOW THEREFORE, after consideration of the records and files of the Board relating to  
26 this matter, the Board enters the following Order.  
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28

29 FINDING OF FACTS  
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- 31 1. Richard M. Finley, ND is a licensee of the Board, bound by the statutes and rules governing  
32 naturopathic physicians in Oregon.  
33  
34 2. Licensee issued on January 29, 1999, a prescription to L.G. for phentermine, a substance not  
35 listed on the Naturopathic Formulary Compendium.  
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38 ULTIMATE FINDINGS OF FACT  
39

40 Richard M Finley, ND prescribed a substance not listed on the Naturopathic Formulary  
41 Compendium.  
42  
43

44 CONCLUSION OF LAW  
45

46 Prescribing a substance not listed on the Naturopathic Formulary Compendium is outside  
47 the scope of practice and in violation of ORS 685.110(10), (15) and ORS 685.030(2).  
48

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2 ORDER  
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4 The Board imposes the following disciplinary action:  
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6 a) Licensee shall attend a 14-hour refresher course, which covers the Formulary  
7 Compendium. This course must meet the prior approval of the Board and must be completed by  
8 January 3, 2000. The Board must be presented with a detailed outline of course(s) and Licensee  
9 must provide a written report to the Board which outlines what he learned; and  
10

11 b) The Board will issue a letter of reprimand which states that Licensee was found to be  
12 in violation of ORS 685.110(10), (15) and ORS 685.030(2), governing the practice of  
13 naturopathic medicine in the State of Oregon, and requires that Licensee immediately cease and  
14 desist the prescribing of substances which are not listed on the Naturopathic Formulary  
15 Compendium. Licensee must keep a current copy of the Formulary Compendium available for  
16 reference while practicing naturopathic medicine.  
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18  
19 Dated this 7<sup>th</sup> day of October, 1999.  
20  
21

22  
23 BOARD OF NATUROPTIC EXAMINERS  
24 State of Oregon

25 By: Signature on file  
26  
27 Anne Walsh, Executive Director  
28

29  
30 DATE of Service October 7, 1999 Certified U.S. Mail  
31

32  
33 NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by  
34 filing a petition for review within 60 days from the service of this Order. Judicial review is  
35 pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

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

6 ) Case No. N99-02-01

7 In the Matter of the License of )

8 RICHARD M. FINLEY, N.D., )

9 Licensee. )

MODIFIED NOTICE OF INTENT  
TO IMPOSE DISCIPLINARY  
ACTION ON LICENSE

10 \_\_\_\_\_ )  
11 )  
12 1.

13 The Board of Naturopathic Examiners (Board) is the state agency responsible for  
14 licensing, regulating and disciplining naturopathic physicians in the State of Oregon. Richard M.  
15 Finley, N.D. (Licensee) is a licensed naturopathic physician currently practicing in Tigard,  
16 Oregon, and is subject to the jurisdiction of the Board.

17 2.

18 Pursuant to ORS 685.110, the Board proposes to impose a letter of reprimand and the  
19 requirement that Licensee attend a 14-credit hour refresher course for engaging in conduct  
20 described as follows:

21 3.

22 Licensee stated to the Board on February 12, 1999, that he prescribed or dispensed drugs  
23 outside the scope of practice for naturopathic physicians licensed in Oregon, by issuing to L.G. a  
24 prescription for phentermine, a substance not listed on the Naturopathic Formulary Compendium  
25 (OAR 850-010-0225). This conduct violates ORS 685.110 (10), (15); and ORS 685.030 (2).

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2 4.

3 The Board proposes to impose the following disciplinary action for the violations  
4 set forth above:

5  
6 a) Licensee shall attend a 14-hour refresher course, which covers the Formulary  
7 Compendium. This course must meet the prior approval of the Board and must be completed by  
8 January 3, 2000. The Board must be presented with a detailed outline of course(s) and Licensee  
9 must provide a written report to the Board which outlines what he learned; and

10  
11 b) The Board will issue a letter of reprimand which states that Licensee was found to be  
12 in violation of ORS 685, governing the practice of naturopathic medicine in the State of Oregon,  
13 and requires that Licensee immediately cease and desist the prescribing of substances which are  
14 not listed on the Naturopathic Formulary Compendium. Licensee must keep a current copy of the  
15 Formulary Compendium available for reference while practicing naturopathic medicine.

16 **NOTICE OF RIGHT TO A HEARING**

17 5.

18 Licensee has the right, if Licensee requests, to a hearing as provided by the  
19 Administrative Procedures Act (ORS Chapter 183) before the Board or its hearing officer to  
20 contest the matter as set above. A request for hearing must be made in writing to the Board, and  
21 must be received by the Board within 21 days from the date of mailing of this notice (or if not  
22 mailed, the date of personal service), and must be accompanied by a written answer to the  
23 allegations contained in this Notice. Upon receipt of a request for hearing, the Board will notify  
24 licensee of the time and place of the hearing. If Licensee requests a hearing, before  
25 commencement of that hearing, Licensee will provided information on the procedures, right of

1 representation, and other rights of parties relating to the conduct of the hearing as required by  
2 ORS 185.413 - 183.415.

3 6.

4 The answer shall be made in writing to the Board and shall include an admission or  
5 denial of the factual matter alleged in this Notice, and a short plain statement of each relevant  
6 affirmative defense Licensee may have. Except for good cause, factual matters alleged in this  
7 Notice and not denied in the answer shall be presumed admitted, and any defense waived. New  
8 matters alleged in the answer (affirmative defenses) shall be presumed denied by the agency, and  
9 evidence shall not be taken on any issue not raised in the Notice and answer.

10 7.

11 If Licensee fails to request a hearing within 21 days, withdraws request for a hearing, or  
12 fails to appear as scheduled at the hearing, the Board may issue a final order by default. Upon  
13 default order of the Board or failure to appear, the contents of the Board's file regarding the  
14 subject of this case automatically becomes part of the evidentiary record of this disciplinary  
15 action for the purpose of proving a prima facie case. ORS 184.415(6).

16  
17 Dated this 12<sup>th</sup> day of August, 1999

18 BOARD OF NATUROPATHIC EXAMINERS  
19 State of Oregon

20 **Signature on file**

21 By: \_\_\_\_\_

Anne Walsh, Executive Director

1  
2  
3 BEFORE THE  
4 BOARD OF NATUROPATHIC EXAMINERS  
5 STATE OF OREGON

6 ) Case No. N99-02-01  
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6 In the Matter of the License of

7 RICHARD M. FINLEY, N.D.,

8 Licensee.  
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NOTICE OF INTENT TO  
IMPOSE DISCIPLINARY ACTION  
ON LICENSE

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13 licensing, regulating and disciplining naturopathic physicians in the State of Oregon. Richard M.  
14 Finley, N.D. (Licensee) is a licensed naturopathic physician currently practicing in Tigard,  
15 Oregon, and is subject to the jurisdiction of the Board.

16 2.

17 Pursuant to ORS 685.110, the Board proposes to impose a letter of reprimand and the  
18 requirement that Licensee attend a 14-credit hour refresher course for engaging in conduct  
19 described as follows:

20 3.

21 Licensee admitted to the Board on February 12, 1999, that he prescribed or dispensed  
22 drugs outside the scope of practice for naturopathic physicians licensed in Oregon, by issuing to  
23 L.G. a prescription for phentermine, a substance not listed on the Naturopathic Formulary  
24 Compendium (OAR 850-010-0225). This conduct violates ORS 685.110 (10), (15); and ORS  
25 685.030 (2).

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Formulary Compendium available for reference while practicing naturopathic medicine.

16

#### NOTICE OF RIGHT TO A HEARING

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Licensee has the right, if Licensee requests, to a hearing as provided by the

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Administrative Procedures Act (ORS Chapter 183) before the Board or its hearing officer to

20

contest the matter as set above. A request for hearing must be made in writing to the Board, and

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must be received by the Board within 21 days from the date of mailing of this notice (or if not

22

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allegations contained in this Notice. Upon receipt of a request for hearing, the Board will notify

24

licensee of the time and place of the hearing. If Licensee requests a hearing, before

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commencement of that hearing, Licensee will provided information on the procedures, right of

1 representation, and other rights of parties relating to the conduct of the hearing as required by  
2 ORS 185.413 - 183.415.

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5 denial of the factual matter alleged in this Notice, and a short plain statement of each relevant  
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7 Notice and not denied in the answer shall be presumed admitted, and any defense waived. New  
8 matters alleged in the answer (affirmative defenses) shall be presumed denied by the agency, and  
9 evidence shall not be taken on any issue not raised in the Notice and answer.

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11 If Licensee fails to request a hearing within 21 days, or fails to appear as scheduled at the  
12 hearing, the Board may issue a final order by default. Upon default order of the Board or failure  
13 to appear, the contents of the Board's file regarding the subject of this case automatically  
14 becomes part of the evidentiary record of this disciplinary action for the purpose of proving a  
15 prima facie case. ORS 184.415(6).

16  
17 Dated this 25<sup>th</sup> day of May, 1999

18 *withdraws request for hearing, or*

AMINERS

19  
20  
21 *withdraws request for a hearing, or.*

22  
23 *ALJ*

