

BEFORE THE  
BOARD OF NATUROPATHIC MEDICINE  
STATE OF OREGON

In the Matter of the License of:

**Juniper Martin, N.D.,**

Licensee.

Case No. N 18-10-42

**NOTICE OF PROPOSED DISCIPLINARY  
ACTION AND  
OPPORTUNITY FOR HEARING**

1.

The Board of Naturopathic Medicine (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon, pursuant or Oregon Revised Statutes (ORS) chapter 685 and Oregon Administrative Rules (OAR) chapter 850. Juniper Martin, N.D. (Licensee) is a licensed naturopathic physician in Oregon, and is subject to the jurisdiction of the Board. Based on the following, the Board proposes to issue a reprimand in this case:

2.

Dr. Juniper Martin has been a licensed Naturopathic Physician in the State of Oregon since May 2008.

3.

Dr. Martin saw patient A. for an office visit on June 12, 2018 for speech and diagnosis delays. A.'s assessment indicated auditory processing disorder and speech delays. A chart note from the visit states "Consider Genesight test."

4.

Per Dr. Martin, patient's mother took a "23 & Me" genetic test and learned she had the MTHFR (Methylenetetrahydrofolate reductase) gene mutation and mother was concerned she passed the mutation onto patient A. Dr. Martin suggested A. take a "Genesight test" to determine if A. had the gene mutation because it required less of a saliva sample than the "23 & Me" test.

5.

Dr. Martin collected a buccal sample from A. during an office visit on July 18, 2018. The sample was used to perform a “Genesight test” on July 31, 2018.

6.

Per A.’s “Patient Medical Record Information” submitted to Genesight, Dr. Martin diagnosed A. with refractory moderate to severe depression; migraine without aura; ADHD; major depressive disorder, recurrent, moderate; anxiety disorder, unspecified.

7.

Dr. Martin stated she could not, and did not diagnosis, A. with refractory moderate to severe depression; migraine without aura; ADHD; major depressive disorder, recurrent, moderate; anxiety disorder, unspecified, as listed in his “Patient Medical Record Information” sheet submitted to “Genesight” because he was too young.

8.

Dr. Martin stated a “Genesight” representative told Dr. Martin to fill out and submit the “Patient Medical Record Information” with afore stated diagnoses so all of the test parameters could be run. Dr. Martin stated she listed the diagnoses on A. “Patient Medical Record Information” and submitted that form per the recommendation of the “Genesight” representative.

9.

Dr. Martin listing false diagnoses on A.’s “Patient Medical Record Information” and submitting that form with the false information to “Genesight” for the purposes of conducting a genetic test is a basis for discipline under ORS 685.110 (14) (“Engaging in any conduct or practice contrary to a recognized standard of ethics of the profession \* \* \*”) and 685.110 (23) (Violating any provision of this chapter or rules adopted by the Board). The relevant recognized standard of ethics of the profession and rule that was violated is OAR 850-050-0010(1)(b)(C, the failure to act in accordance with the American Association of Naturopathic Physicians Code of Ethics as adopted by the Board, specifically the provision in the American Association of Naturopathic Physicians Code of Ethics that states:

**Honesty** – A naturopathic physician shall conduct himself or herself in an honest manner; shall not represent him or herself to patients or the public in an untruthful, misleading, or deceptive manner; and shall not engage in advertising that is false or deceptive.”

The false diagnoses listed on the “Patient Medical Record Information” constitutes conduct in violation of these recognized standards of ethics as Dr. Martin’s listing of the false diagnoses on the form was untruthful, misleading and deceptive, and therefore a basis for discipline under ORS 685.110(14),(23) and OAR 850-050-0010(1)(b)(C).

10.

For the foregoing violations, the Board proposes the following discipline: Reprimand

11.

#### **NOTICE OF OPPORTUNITY FOR HEARING**

Licensee is entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183). If you want a hearing, you must file a written request for hearing with the Board within 21 days from the date this notice was mailed. You must mail any request for hearing to Oregon Board of Naturopathic Medicine, 800 NE Oregon Street, Suite 407, Portland, OR 97232. The request for hearing must be received by the Board within 21 days from the date of mailing of this notice, and must be accompanied by a written answer to the charges contained in this Notice. If a request for hearing is not received within 21 days, the right to hearing is waived.

12.

If you request a hearing, you will be notified of the time and place of the hearing. Before the hearing, you will receive information on the procedures, right of representation, and other rights of parties related to the conduct of the hearing. An administrative law judge from the Office of Administrative Hearings will preside at any hearing. ORS 183.635.

13.

An answer is required to this Notice, pursuant to OAR 850-001-0015, due to the complexity of the matters alleged above. The answer shall be made in writing to the Board and shall include an admission or denial of each factual matter alleged in this Notice, and a short plain statement of each relevant affirmative defense Licensee may have. Except for good cause, factual matters alleged in this notice and not denied in the answer shall be presumed admitted; failure to raise a particular defense in the answer will be considered a waiver of such defense; and new matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency and evidence shall not be taken on any issue not raised in the Notice and answer.

14.

If you fail to request a hearing within 21 days, withdraw a request for a hearing, notify the Board or administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Board may issue a final order by default revoking your license. If the Board issues a default order, the contents of the Board's file automatically becomes part of the evidentiary record of this disciplinary action for the purpose of proving a prima facie case.

**NOTICE TO ACTIVE DUTY SERVICEMEMBERS:** Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

BOARD OF NATUROPATHIC MEDICINE  
State of Oregon

*COPY – ORIGINAL SIGNED ON / ABOUT 12/11/2019*

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Mary-Beth Baptista, Executive Director