

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

James Said, N.D.,

Licensee.

Case No. 19-09-12

NOTICE OF PROPOSED DISCIPLINARY
ACTION AND
OPPORTUNITY FOR HEARING
(Amended 10/2/2020)

1.

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

2.

The Board conducted an investigation based on a complaint received regarding Licensee. Based on the results of the investigation and pursuant to ORS 685.110(8), OAR 850-050-0010(1)(a)(B), OAR 850-050-0010(1)(c)(A) and OAR 850-050-0010(1)(c)(B), on or about September 11, 2020, the Board voted to issue a notice of proposed disciplinary action against Licensee's license to practice naturopathic medicine, on the grounds described in the following paragraphs.

3.

Licensee is dually licensed in the State of Oregon as both a Chiropractor and a Naturopathic Physician. The Licensee owns and operates a clinic, at 836 East Main Street, Suite 5, in Medford, Oregon. This business provides chiropractic and naturopathic care to patrons.

4.

Licensee acknowledged that he allowed his wife to provide massages without a license to his patients at the aforementioned clinic for a significant period of time that included the years 2017 and 2018, through April 2019. Licensee, knew his wife did not have a license from the Oregon

Board of Massage Therapists, or any other license to perform massage. License believed his wife was acting under his license as a Chiropractic Physician.¹

5.

Licensee's wife was not licensed with this Board or any other Oregon health professional regulatory board. Licensee was aware of her lack of licensure and allowed her to massage people / patients at his clinic.

6.

The afore stated behavior and facts constitute a violation of OAR 850-050-0010(1)(c)(F): Aiding or abetting unlawful practice by an unlicensed person.

7.

Based on the aforementioned conduct and admissions, Licensee is in violation of

8.

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

9.

NOTICE OF OPPORTUNITY FOR HEARING

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

10.

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.

11.

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

¹ Licensee has also been disciplined for this conduct by the Oregon Board of Chiropractic Examiners.

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.

12.

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 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free phone number.

DATED this 2 day of Oct 2020.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon



Mary-Beth Baptista, Executive Director