

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Dr. Angela Carter, ND

Case No. 20-08-19

**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 to Oregon Revised Statutes (ORS) chapter 685 and Oregon Administrative Rules (OAR) chapter 850. Dr. Angela Carter, N.D. was a licensed naturopathic physician in Oregon at the time of the treatment of Patient described below and the Board has continuing jurisdiction over these acts under ORS 676.205(2).

2.

Dr. Angela Carter was a licensed naturopathic physician in the State of Oregon from January 3, 2012, through December 31, 2022. Dr. Carter's license status is lapsed as of January 1, 2023.

3.

In 2016, through October 6, 2019, Dr. Carter was employed at the Equi Institute. Dr. Carter established a doctor patient relationship with Patient in 2017. When Dr. Carter started treating Patient, Patient suffered from anxiety, had ulcerative colitis and a recent leg amputation. Dr. Carter said these conditions caused Patient a lot of pain. Dr. Carter said Patient's prior physician prescribed Patient opioids and benzodiazepine. Dr. Carter continued Patient's prescriptions for opioids and benzodiazepines.

4.

The PDMP report for Patient from January 7, 2019, to September 1, 2019 showed Dr. Carter prescribed Patient a high number of opioids concurrently with benzodiazepines. Patient's chart note from April 9, 2019, and the corresponding PDMP report for that date shows Dr. Carter prescribed Patient the following medication:

- Oxycontin 60mg tablets 2 per day
- Oxycodone 10mg tablets 6 per day
- Clonazepam .5mg tablets 3 per day

Patient MME (Morphine Milligram Equivalent) was 270. Patient medical records show similar amounts of opioids and benzodiazepines prescribed to Patient by Dr. Carter on June 13, 2017, March 28, 2018 and January 2, 2019.

5.

Dr. Carter did not have Patient sign a pain medication contract or material risk form. Dr. Carter did not conduct urine drug screens during the period of Patient's treatment.

6.

In mid-2019, Dr. Carter discussed with Patient tapering opioids prescriptions. The PDMP report shows that Patient's MME was down to 232.5 in June 2019, 157.5 in July 2019, 157.5 in September 2019, but rose back to 232 in October 2019.

7.

Several of Patient's chart notes were not signed off by Dr. Carter for months, while others were not signed at all. Including but not limited to:

- Office Visit 7/31/2019 – Seen by Dr. Carter – Signed by Clinic Physician 10/25/2019
- Office Visit 6/20/2019 – Seen by Dr. Carter - Signed by Clinic Physician 10/25/2019
- Office Visit 4/09/2019 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 1/02/2019 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 12/03/2018 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 12/12/2018 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 11/13/2018 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 10/24/2018 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 9/24/2018 – Seen by Dr. Carter - Signed by Dr. Carter 10/18/2018

Clinic Physician at the Equi Institute stated Dr. Carter left approximately 700 unsigned charts when they left the clinic and practice of naturopathic medicine on October 6, 2019, due to illness.

8.

The Oregon Public Health Division developed the Oregon Opioid Prescribing Guidelines in 2016, establishing statewide guidelines for clinicians and health care organizations. The OHA guidelines caution against prescribing opioids concurrently with benzodiazepines. Guidelines also recommend when prescribing opioids for chronic pain, clinicians should use urine drug testing before starting opioid therapy and consider urine drug testing at least annually to assess for prescribed medications as well as other controlled prescription drugs and illicit drugs. Guidelines recommend practitioners incorporate strategies into the management plan to mitigate risk, including tapering medication and using pain management contracts when factors that increase risk for opioid overdose are present, such as prescribing high opioid dosages (≥ 50 MME/day).

9.

Dr. Carter prescribed Patient a high number and dosage of opioids concurrently with benzodiazepines per Patient PDMP report from January 7, 2019, to September 1, 2019. Patient's chart note from April 9, 2019, and the corresponding PDMP report for that date shows Dr. Carter prescribed Patient the following medication:

- Oxycontin 60mg tablets 2 per day
- Oxycodone 10mg tablets 6 per day
- Clonazepam .5mg tablets 3 per day

Patient MME (Morphine Milligram Equivalent) was 270. Patient medical records show similar amounts of opioids and benzodiazepines prescribed by Dr. Carter on June 13, 2017, March 28, 2018 and January 2, 2019. Dr. Carter did not conduct urine drug screens of Patient during the time Dr. Carter was prescribing to patient. Dr. Carter did not have Patient sign a pain management contract. Dr. Carter did not taper Patient from high prescription opioid dosages, prescriptions remained over 50MME a day for the duration of Dr. Carter's treatment of patient. Dr. Carter's prescribing practices for Patient are a violation of Oregon Administrative Rule 850-050-0010(1)(c)(A)(Negligent Prescribing) and grounds for discipline under ORS 685.110(8) (negligence related to the practice of naturopathic medicine).

10.

The Board charting guidelines in effect at the time of Dr Carter's treatment of Patient stated that chart notes must be legible, signed and dated, chronologically in order, with a signature after each entry. Each visit must be entered in the patient's chart and must include all pertinent information to support patient care. The following is a record of Patient medical charts with dates of Dr. Carter's signature:

- Office Visit 7/31/2019 – Seen by Dr. Carter – Signed by Clinic Physician 10/25/2019
- Office Visit 6/20/2019 – Seen by Dr. Carter - Signed by Clinic Physician 10/25/2019
- Office Visit 4/09/2019 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 1/02/2019 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 12/03/2018 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 12/12/2018 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 11/13/2018 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 10/24/2018 – Seen by Dr. Carter - Signed by Dr. Carter 6/06/2019
- Office Visit 9/24/2018 – Seen by Dr. Carter - Signed by Dr. Carter 10/18/2018

To ensure accuracy of the record, the treating physician should sign the record as close to the time of treatment as possible. Dr. Carter not signing medical charts and the significant delay in signing Patient's charts is a violation of 850-050-0010(1)(a)(B)(Inadequate Charting) and grounds for discipline under ORS 685.110(23).

11.

Dr. Carter's license to practice Naturopathic Medicine lapsed on or about January 1, 2023. For the violations described above; the Board proposes a civil penalty in the amount of \$5000 under ORS 685.990(2)(a) and ORS 689.110(8) and (23).

If Dr. Carter applies for reinstatement of their active license, if otherwise eligible, Licensee shall be disciplined immediately upon reinstatement of their active license as follows:

- Probation – 36 months; with the following conditions:
 - Continuing Education, completed within the first six months of probation and in addition to annual renewal requirements per OAR:
 - Four (4) hours of pain management
 - Four (4) hours of opioid prescribing
 - Four (4) hours of charting practices

- Chart Review: For a period of 24 months, Licensee shall quarterly provide up to five (5) random patient charts for patients Licensee is actively prescribing controlled substances. Licensee will incur all costs associated with quarterly chart reviews.

12.

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 submit request for hearing to either via email Naturopathic.Medicine@obnm.Oregon.gov or U.S. Mail 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.

13.

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.

14.

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.

15.

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>.

DATED this (Courtesy Copy) day of March 2023.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon



Mary-Beth Baptista, Executive Director