

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Richard Miller Krebs
Applicant

Case No. 20-11-27

**FINAL ORDER – DEFAULT LICENSURE
DENIAL**

1.

The Board of Naturopathic Medicine (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon. Richard Miller Krebs (Applicant) holds an inactive license to practice Naturopathic Medicine in the State of Oregon.

2.

Pursuant to ORS 685.125, on or about December 14, 2020, the Board voted to issue a Notice of Proposed License Denial against applicant on the grounds described in the following paragraphs.

3.

On or about January 14, 2021, the Board sent Applicant a Notice of Proposed Disciplinary Action and Opportunity for Hearing via certified mail to the last known mailing address. The Notice informed Applicant of the right to request a hearing within 21-days. The notice informed Applicant that in the event the Board issues a final order by default, the Board designates its file on this matter for purposes of proving a prima facie case.

4.

On January 21, 2021; Applicant personally signed and printed his name on the certification return receipt, and affirmed the mailing address was current and accurate, therefore acknowledging receipt of the Notice of Proposed Discipline. The Board did not receive any further correspondence from Applicant; and the Board did not receive a request for a hearing to contest the proposed discipline as explained and provided in the Notice by February 11, 21-days after the date of signature on the certification return receipt.

The Board issues this **Final Order – LICENSURE DENIAL by Default.**

NOW, THEREFORE, after consideration of the relevant records and files of the Board relating to this matter, the Board enters the following Findings of Fact, Conclusions of Law, and Final Order:

Findings of Fact & Conclusions of Law

5.

Applicant held an active license with the Oregon Board of Naturopathic Medicine from September 28, 2005 through December 31, 2012. Applicant did not renew his license and his status was lapsed from January 1, 2013 through September 10, 2015. Applicant applied for and received an active license on or about September 11, 2015. Applicant held an active license until December 31, 2018. Applicant did not apply for renewal and his license expired January 1, 2019. Applicant applied for and received an inactive license on or about January 1, 2020. Applicant applied for reinstatement of his active license on or about November 10, 2020.

6.

Applicant was a licensed medical doctor with the Oregon Medical Board (OMB) in the State of Oregon from 2012-2020. The OMB opened an investigation of Applicant on or about May 24, 2019. On or about June 4, 2019, August 26, 2019, and October 4, 2019 Applicant was provided notice from the OMB that he was under investigation for issues that included: unreported arrests, diverting medications from patients, and non-compliance with the Health Professional Services Program, including diluting tests, using prosthetic urine delivery device and using MDMA (ecstasy).

7.

As part of the process to renew a license to practice Naturopathic Medicine, all applicants must complete a “Fitness for Licensure” questionnaire.

8.

On or about December 31, 2019, Applicant submitted an application to Board of Naturopathic Medicine to change his licensure status from lapsed to inactive. On the application he was asked the following questions and answered “NO” to these questions:

Since your last renewal, do you have a / have you been the subject of:

* * * * *

5. Civil liability, regulatory violation for involving dishonesty, false statement, fraud or intentional misrepresentation.

6. Criminal conviction, civil liability, regulatory violation for unethical or unprofessional conduct.

* * * * *

9. A pending criminal, civil or regulatory inquiry, proceeding, investigation in any of the categories listed in questions 1-8.

The last step of the application process in 2019, required Applicant to make the following affirmation prior to submission: "I affirm that I personally completed this application, that the statements and information contained in this application are true and correct in every respect, and that I have complied with all of the requirements of the law pertaining to the licensing of a naturopathic doctor."

Applicant was not truthful when he answered "NO" on or about December 31, 2019 to the question regarding a pending regulatory inquiry, proceeding, investigation. Applicant had been notified that he was subject of a pending regulatory investigation by the OMB regarding fraud and intentional misrepresentations (the diversion of drugs from patients, the dilute urine tests and use of prosthetic urine delivery device for his urine testing in the HPSP). Applicant had been notified that he was the subject of a pending regulatory investigation by the OMB regarding unethical and unprofessional conduct(the diversion of drugs from patients, the dilute urine tests and use of prosthetic urine delivery device for his urine testing in the HPSP, unreported arrests and use of MDMA). Applicant's false answer is in violation of ORS 685.110(1)(using deception in securing a license). As a result, the Board now denies his application for an active license.

9.

On or about November 10, 2020, Applicant submitted an application to Board of Naturopathic Medicine to change his licensure status from lapsed to inactive. On the application he was asked the following questions and answered "NO" to these questions:

Since your last renewal, do you have a / have you been the subject of:

* * * * *

5. Civil liability, regulatory violation for involving dishonesty, false statement, fraud or intentional misrepresentation.

6. Criminal conviction, civil liability, regulatory violation for unethical or unprofessional conduct.

* * * * *

9. A pending criminal, civil or regulatory inquiry, proceeding, investigation in any of the categories listed in questions 1-8.

The last step of the application process in 2019, required Applicant to make the following affirmation prior to submission: "I affirm that I personally completed this application, that the statements and information contained in this application are true and correct in every respect, and

that I have complied with all of the requirements of the law pertaining to the licensing of a naturopathic doctor.”

Applicant, on or about November 19, 2020, emailed the Board to ask if he could change this answer to “YES” and provided a statement regarding the OMB investigation.

Applicant was not truthful when on or about November 10, 2020, he answered “NO” to the question regarding a pending regulatory inquiry, proceeding, investigation. Applicant had been notified that he was subject of a pending regulatory investigation by the OMB regarding fraud and intentional misrepresentations (the diversion of drugs from patients, the dilute urine tests and use of prosthetic urine delivery device for his urine testing in the HPSP). Applicant had been notified that he was the subject of a pending regulatory investigation by the OMB regarding unethical and unprofessional conduct(the diversion of drugs from patients, the dilute urine tests and use of prosthetic urine delivery device for his urine testing in the HPSP, unreported arrests and use of MDMA). Applicant’s false answer is in violation of ORS 685.110(1)(using deception in securing a license). As a result, the Board now denies his application for an active license.

10.

Applicant entered into a Compliance Stipulated Order with the OMB on or about April 2, 2020, surrendering his license to practice medicine. The Stipulated Order contains the following findings regarding Applicant (referred to as Licensee in the OMB Compliance Stipulated Order):

In late February of 2018, Licensee diverted medications surrendered to him by patients, including tramadol and Phenergan with codeine.

Licensee admitted to using fentanyl for his personal use.

In March 22, 2018, Licensee self-enrolled in the Health Professional Services Program (HPSP), in which he agreed to abstain from alcohol use and submit to random toxicology.

On May 24, 2019, Licensee failed to call the interactive voice response numbers, as required.

On May 25, 2019, Licensee provided a dilute sample for toxicology testing.

On June 27, 2019, Licensee failed to follow instructions to provide a urine sample and instead tested for PEth blood test, which was negative.

On July 8, 2019, Licensee attempted to deceive staff when giving a urine sample by using a prosthetic device with an artificial external bladder containing “clean” urine.

Later that day, he presented for an observed urine test and was positive for MDMA (Ecstasy).

On July 9, 2019, Licensee provided a urine sample that was positive for MDMA.

Licensee also failed to disclose an arrest for trespassing on his 2013 application.

As a result of these findings, Licensee admitted to and the OMB found him to be in violation of ORS 677.188(4)(a); ORS 677.190(1)(a); ORS 677.190(8); and ORS 677.190(17).

Under OAR 850-030-0030(5), Applicant's conduct, as found in the OMB Compliance Stipulated Order, is a basis for denial of his license. Applicant cannot safely practice naturopathic medicine due to habitual use of drugs, has an impairment as defined in ORS 676.303, which is grounds for denial under OAR 850-030-0030(5)(a) and (h). Applicant has committed regulatory violations involving dishonesty and false statements (his deceptions regarding urine testing and failure to report the arrest), which is grounds for denial under OAR 850-030-0030(5)(f).

Final Order

For the foregoing violations, both individually and together, the Board hereby orders **Denial of Licensure.**

DATED this 12 day of April 2021.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

A handwritten signature in black ink, appearing to read 'M. Baptista', with a horizontal line extending to the right.

Mary-Beth Baptista, Executive Director

NOTICE OF RIGHT TO JUDICIAL REVIEW

You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is in accordance with ORS 183.482(1) to the Oregon Court of Appeals.