

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Dr. Leslie Hamlett, ND

Case No. 21-10-41

**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. Leslie Hamlett, N.D. (Licensee) is a licensed naturopathic physician in Oregon and is subject to the jurisdiction of the Board.

2.

Pursuant to OAR 850-050-0010(1)(a)(D), 850-050-0010(1)(c)(B), 850-050-0010(1)(A)(a), 850-060-0223(2)(d)(A) and ORS 685.110 (10) and (23), the Board hereby proposes to take disciplinary action against Licensee's license to practice naturopathic medicine, on the grounds described in the following paragraphs. For each violation, the Board may impose a civil penalty up to \$5,000, a term of probation, a letter of reprimand and license limitation, suspension, or revocation.

3.

Dr. Leslie Hamlett has been a licensed naturopathic physician in the State of Oregon since October 1, 2012. Licensee and Patient established a doctor patient relationship in March 2021.

4.

On March 29, 2021, Licensee injected PRP (Platelet Rich Plasma) into Patient's upper anterior vaginal wall, a procedure often done after childbirth with women who have scar tissue. The goal was to strengthen the supportive structures under the bladder.

5.

Patient told Licensee she wanted to enhance her labia because her labia tissue thinned due to medication from Mast Cell activation syndrome (MCAS). Patient told Licensee she read about a "wing lift with dermal filler" (a vaginal reconstruction procedure) and asked Licensee to perform the procedure. On April 26, 2021, Licensee performed the wing lift on Patient, using Radiesse, a dermal filler used for smoothing moderate to severe facial wrinkles and folds, such as nasolabial folds and for correcting volume loss in the back of the hands.

6.

Licensee acknowledged she never performed a wing lift procedure prior to April 26, 2021. Licensee said she was familiar with the female anatomy and prepared for the procedure by reading about vaginal reconstruction options and filler options. Licensee said she wanted to choose a filler that promotes the body to create collagen and elastin to help plump tissues up. Licensee had used Radiesse on the lower half of the face on other/prior patients.

7.

Patient contacted Licensee on or about the week of May 17, stating she noticed a bump on her labia. Patient's Primary ND previously prescribed Patient vaginal valium for labia bumps, but it had no effect. In late May, Licensee consulted with Patient's Primary ND, together they decided Patient's system was "too worked up" to perform any additional injections. In early June, Licensee prescribed Patient oral prednisone.

8.

On or about June 18, and July 12, 2021, Licensee injected Patient's labia with Kenalog, an anesthetic. Kenalog injections are typically done in a series of three. On or about July 27, Patient sent Licensee an email stating her labia felt thin and deflated and asked for Fluorouracil 5FU injections and Elidel gel, also known as Pimecrolimus, as the next course of treatment. On

August 5, Licensee prescribed Patient Elidel gel. Elidel is used to treat certain skin conditions such as eczema in people who should not use or have not responded to other eczema medications (such as topical steroids).

Licensee performed the third Kenalog injection on patient on August 5. Subsequently, Patient reported still feeling pressure and the bumps are still present, and asked Licensee to perform Fluorouracil 5FU treatment for bumps that didn't disappear with steroid injections.

9.

On August 27, Licensee gave Patient her first course of Fluorouracil 5FU injection treatment, injecting the medication directly into the bumps in her labia. Prior to that date, Licensee never worked with or injected Fluorouracil 5FU. Licensee performed the second set of Fluorouracil 5FU injections on September 20. Licensee prepared for the injection treatments by reading on-line medical and research studies. Licensee used a concentration found in a study.

10.

Per Oregon Administrative Rule 850-060-0226 - Formulary Compendium Classifications, Oregon licensed naturopathic physicians may prescribe medication listed in the current American Hospital Formulary Service Pharmacologic-Therapeutic Classification subject to the exclusions listed in Oregon Administrative Rule: 850-060-0223 - Formulary Compendium Exclusions. Per OAR 850-060-0223(2)(d)(A) [in relevant part]:

(2) Additionally, the following substances may not be prescribed by licensees of this Board.

(d) Systemic oncology agents with the exception of the following antineoplastic agents **(oral and topical only)**

(A) 5FU

Emphasis added.

11.

On August 27 and September 20, 2019, Licensee injected Fluorouracil 5FU medication directly into Patient's labia. Per OAR 850-060-0223(2)(d)(A) Licensees in Oregon are only permitted prescribe and treat patients with Fluorouracil 5FU in oral and topical form. Licensee using Fluorouracil 5FU in injectable form is a violation of OAR 850-060-0223(2)(d)(A), 850-050-0010(1)(A)(a) (practicing outside the scope of practice), ORS 685.145(3)(d) (allowing licensees to only administer drugs in the formulary) and 685.110 (10) (dispensing drugs outside the scope of practice).

12.

On April 26, 2021, Licensee having no prior experience, training, or education, other than being familiar with the female anatomy and on-line studies, performed a wing lift on Patient with Radiesse, a dermal filler used for smoothing moderate to severe facial wrinkles and folds, such as nasolabial folds and for correcting volume loss in the back of the hands. Licensee had only previously used Radiesse on the lower half of the face on other/prior patients. Based on the lack of education, experience and training, Licensee engaging in the April 26, 2021 wing lift procedure is a violation of 850-050-0010(1)(c)(B) as this was negligent treatment.

13.

On August 27 and September 20, 2019, Licensee injected Fluorouracil 5FU medication directly into Patient's labia, without prior education, experience, and training, other than reviewing on-line studies. Prior to Patient's course of injections, Licensee never worked with or injected Fluorouracil 5FU. Per Oregon Administrative Rule, injecting Fluorouracil 5FU is prohibited and not in the scope of naturopathic physicians in Oregon. Licensee injections of Fluorouracil 5FU on August 27 and September 20, 2019, is a violation of 850-050-0010(1)(c)(B) as this was negligent treatment.

14.

For the violations described above; the Board proposes the following discipline:

- Probation – 36 months; with the following conditions:

- Civil Penalty - \$5000 (Five Thousand)
- Continuing Education, completed within the first six months of probation and in addition to annual renewal requirements per OAR:
 - Six (6) hours pharmacy – focused on vaginal reconstruction, treatment, and aesthetics.
 - Four (4) hours - doctor patient boundaries in developing course of treatment and collaboration.

15.

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.

16.

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.

17.

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.

18.

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 _____ day of _____ 2022. (COPY – Original Sent 10/31/22)

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

/s/

Mary-Beth Baptista, Executive Director