

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Case No. 22-10-24

Dr. Lam Le, ND

NOTICE OF PROPOSED DISCIPLINARY ACTION

Licensee

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. Lam Le, ND (Licensee) is a licensed naturopathic physician in Oregon and is subject to the jurisdiction of the Board.

2.

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.

Patient saw Licensee weekly from July to September 29, 2022, for abdominal pain. Licensee performed Bowen Therapy. The Bowen Technique is performed across a muscle and tissue for inhale and exhale, move on to the next muscle series and stop two minutes to do the next series. It is a gentle therapy that is applied to areas of the body, using thumbs and fingers in a specific process or order. The move is a rolling-type move of the thumbs and forefingers and is designed to stimulate nerve pathways. Licensee performed Bowen Therapy one week, then performed muscle testing the following week to see if the Bowen therapy was working. Initially, Licensee performed Bowen Therapy on Patient while Patient was fully dressed. Over time Licensee gave patient reasons for Patient to take off different pieces of clothing for the therapy.

4.

On Sept 29, 2022, Patient was scheduled for Bowen Therapy. When Patient entered the exam room Licensee had music playing. Licensee locked the exam room door after Patient entered. When Licensee initiated therapy, Patient was lying on her stomach, undraped, wearing a bra and underwear. During therapy Licensee unfastened Patient's bra while using a massage tool on her shoulders. Licensee then moved the massage tool between Patient's legs, moving it toward her

vagina, trying to find her clitoris to make Patient climax. Patient asked him to stop, which he did. Licensee had patient turn on to her back, then rubbed Patient's breasts with oil. Licensee told Patient he needed to give Patient a vaginal exam. Patient does not recall Licensee putting on gloves for the exam. Licensee felt the sides of Patient's vagina, clitoris, and inside of Patient's vagina. Licensee asked Patient to squeeze the inside walls of her vagina. Licensee moved his fingers in and out of Patient's vagina for an extended period, trying to get Patient to climax.

5.

The Board and Licensee agreed to enter an Interim Stipulated Order – in which Licensee voluntarily withdrew from the practice of naturopathic medicine and his license was placed in “inactive status” effective November 15, 2022, pending the completion of the Board's investigation into his ability to practice medicine safely and competently.

6.

On or about November 4, 2022, Multnomah County Sheriff Detectives executed a search warrant on Licensee's practice location, Avana Natural Health. During the search, Detectives found a WiFi USB Wall Charger with a hidden camera the size of a pinhead was plugged into the wall inside one of the examination rooms, facing towards the examination table. Detectives also found multiple SD cards and USB drives of various storage sizes.

7.

On a photo application on Licensee's cellular phone, Detectives found 73 images they established were taken of Patient at her September 29, 2022, appointment, without her consent or knowledge. The photos and videos corroborated Patient account she was lying naked with an unhooked bra; Licensee used a tool on Patient's vagina and put his fingers inside her vagina. One approximately 19 second video shows Licensee performing laser treatment on Patient, exposing her nude vagina.

8.

In August 2024, the criminal charges against Licensee were dismissed as part of a civil compromise he entered with Patient, approved by the Multnomah County Circuit Court.

9.

At Patient's appointment on September 29, 2022, Licensee had music playing in the exam room, did not put on gloves prior to/during her exam. Licensee did not offer Patient a gown. Licensee rubbed Patient's skin as she laid face down as opposed to his usual past practice of making body adjustments. When Licensee administered laser scar treatment on her shoulder Licensee unhooked her bra without her consent. Patient nor Licensee had ever removed her bra before during treatment. Licensed naturopathic physicians engaging in Bowen Therapy in Oregon do not remove a patient's clothing without consent and provide or offer gowns for patient use

during treatment if the therapy involves partial or total removal of clothing. This conduct is a violation of Oregon Revised Statute 685.110 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might adversely affect a physician's ability safely and skillfully to practice naturopathic medicine, and Oregon Administrative Rule 850-050-0190(4) (b) Engaging in any conduct with a patient that is sexual, or may be reasonably interpreted as sexual, whether initiated by the patient or not; (c) Any behavior, gesture, or expression that is sexually seductive or sexually demeaning to a patient, or any action that shows a lack of respect for the patient's privacy.

10.

At Patient's appointment on September 29, 2022, Licensee had music playing in the exam room, did not put on gloves prior to/during her exam. Licensee did not offer Patient a gown. Licensee used a battery powered massage tool traditionally used for tight hamstrings. Without any explanation or consent, Licensee pulled her legs apart and moved the tool up her legs until it was resting on her vaginal area over her underwear, trying to get the patient to climax. Licensed naturopathic physicians engaging in Bowen Therapy in Oregon do not remove a patient's clothing without consent and provide or offer gowns for patient use during treatment if the therapy involves partial or total removal of clothing. Licensed naturopathic physicians engaging in Bowen Therapy in Oregon do not use massage tools on a patient's vagina and/or clitoris as part of Bowen Therapy. This conduct is a violation of Oregon Revised Statute 685.110 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might adversely affect a physician's ability safely and skillfully to practice naturopathic medicine, and Oregon Administrative Rule 850-050-0190(4) (a) Engaging in any conduct which constitutes a violation of any provision of ORS 163.305 through 163.465, Criminal Sexual Offenses, if proven by at least a preponderance of the evidence in any criminal, civil, or administrative litigation, or admitted to or stipulated by the professional; (b) Engaging in any conduct with a patient that is sexual, or may be reasonably interpreted as sexual, whether initiated by the patient or not; (c) Any behavior, gesture, or expression that is sexually seductive or sexually demeaning to a patient, or any action that shows a lack of respect for the patient's privacy.

11.

At Patient's appointment on September 29, 2022, Licensee had music playing in the exam room, did not put on gloves prior to/during her exam. Licensee did not offer Patient a gown. Licensee had Patient lie on her back, and without explanation or consent, removed her bra exposing her bare breasts, and used oil on his hands to caress her breasts with his bare hands without explanation or consent. Licensed naturopathic physicians engaging in Bowen Therapy in Oregon do not remove a patient's clothing without consent and provide or offer gowns for patient use

during treatment if the therapy involves partial or total removal of clothing. Licensed naturopathic physicians engaging in Bowen Therapy in Oregon do not use oil to massage breasts of their patients as part of Bowen Therapy. Licensed naturopathic physicians regularly use gloves when performing a breast exam, and do not use oil to massage breasts of their patients during a breast exam. This conduct is a violation of Oregon Revised Statute 685.110 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might adversely affect a physician's ability safely and skillfully to practice naturopathic medicine, and Oregon Administrative Rule 850-050-0190(4) (a) Engaging in any conduct which constitutes a violation of any provision of ORS 163.305 through 163.465, Criminal Sexual Offenses, if proven by at least a preponderance of the evidence in any criminal, civil, or administrative litigation, or admitted to or stipulated by the professional; (b) Engaging in any conduct with a patient that is sexual, or may be reasonably interpreted as sexual, whether initiated by the patient or not; (c) Any behavior, gesture, or expression that is sexually seductive or sexually demeaning to a patient, or any action that shows a lack of respect for the patient's privacy.

12.

At Patient's appointment on September 29, 2022, Licensee had music playing in the exam room, did not put on gloves prior to/during her exam. Licensee did not offer Patient a gown. Licensee administered laser scar therapy on the bare skin outside of Patient's vaginal wall while repeatedly putting his fingers in and out of her vagina. Licensee was doing so for his own purposes and not for therapeutic purposes. Licensed naturopathic physicians engaging in laser scar therapy in Oregon do not remove a patient's clothing without consent and provide or offer gowns for patient use during treatment if the therapy involves partial or total removal of clothing. Licensed naturopathic physicians engaging in laser scar therapy on the vaginal wall use medical gloves and do not have skin to skin contact with a patient's genitalia with their bare hand without explanation and consent. Laser scar therapy does not involve digital penetration in such as conducted by Licensee. This conduct is a violation of Oregon Revised Statute 685.110 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might adversely affect a physician's ability safely and skillfully to practice naturopathic medicine, and Oregon Administrative Rule 850-050-0190(4) (a) Engaging in any conduct which constitutes a violation of any provision of ORS 163.305 through 163.465, Criminal Sexual Offenses, if proven by at least a preponderance of the evidence in any criminal, civil, or administrative litigation, or admitted to or stipulated by the professional; (b) Engaging in any conduct with a patient that is sexual, or may be reasonably interpreted as sexual, whether initiated by the patient or not; (c) Any behavior, gesture, or expression that is sexually seductive or sexually demeaning to a patient, or any action that shows a lack of respect for the patient's privacy.

13.

At Licensee practice location, Avana Natural Health, a WiFi USB Wall Charger with a hidden camera the size of a pinhead was plugged into the wall inside one of the examination rooms, facing towards the examination table, along with multiple SD cards and USB drives of various storage sizes. On a photo application on Licensees cellular phone, Detectives found 73 images they established were taken of Patient at her September 29, 2022, appointment, without her consent or knowledge. The photos and videos corroborated Patient account she was lying naked with an unhooked bra; Licensee used a tool on Patient's vagina and put his fingers inside her vagina. One approximately 19 second video shows Licensee performing laser treatment on Patient, exposing her nude vagina. This conduct is a violation of Oregon Revised Statute 685.110 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might adversely affect a physician's ability safely and skillfully to practice naturopathic medicine, and Oregon Administrative Rule 850-050-0190(4) (a) Engaging in any conduct which constitutes a violation of any provision of ORS 163.305 through 163.465, Criminal Sexual Offenses, if proven by at least a preponderance of the evidence in any criminal, civil, or administrative litigation, or admitted to or stipulated by the professional; (b) Engaging in any conduct with a patient that is sexual, or may be reasonably interpreted as sexual, whether initiated by the patient or not; (c) Any behavior, gesture, or expression that is sexually seductive or sexually demeaning to a patient, or any action that shows a lack of respect for the patient's privacy.

14.

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

License Revocation

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 __20th__ day of __February__ 2025.

BOARD OF NATUROPATHIC MEDICINE

State of Oregon



Mary-Beth Baptista, JD
Executive Director