

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Case No. 23-01-01

Dr. Kathleen Kuhn, ND.

**CONSENT ORDER AND SETTLEMENT
AGREEMENT**

Licensee.

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

2.

The parties wish to resolve this matter informally, without any hearing, appeal or judicial review, by entering this Settlement Agreement and Consent Order, pursuant to ORS 183.417(3) on the terms set forth below. The Board finds, but Licensee denies to the following:

3.

Trigger point injections contain a local anesthetic or saline and may include a corticosteroid. With the injection, the trigger point is made inactive, and the pain is alleviated. In ultrasound-guided trigger point injections, the ultrasound helps guide the needle to the correct location, which can help reduce the risk of complications and injection into adipose tissue. In a limited ultrasound, images are taken of “trigger points” i.e. tissue abnormalities, in a complete ultrasound images are taken of both normal and abnormal tissue.

4.

Licensee performed trigger point injection therapy on Patient on / about May 6, 11, 18, 24 and 26, 2021. Licensee performed a limited ultrasound during each encounter.

5.

The “Labs and Imaging - Sonography” portion of Patient’s chart notes from each encounter in May 2021, note:

Diagnostic ultrasound- 2D, gray scale, complete ultrasound using GE LOGIQ E with linear probe. Exam performed on cervical spine and surrounding musculature and thoracic spine and surrounding musculature with evaluation of muscles, bones, joints, tendons and related soft tissue structures. The typical pennate and "starry night" pattern is observed in visualized muscle. Typical anechoic joint space observed. The hyperechoic bone contours exhibit continuity. No other changes to related soft tissue structures unless noted below.

6.

The “Labs and Imaging – Assessment” portion of Patient’s chart notes from May 6, 11, 18, 24, 2021, note:

Hypoechoic in the muscle belly of --- left and right occipitalis, cervical and thoracic paraspinals, levator scapulae, upper trapezius, supraspinatus. Findings are consistent with inflammation. Dynamic articulation was not performed.

7.

Licensee performed trigger point therapy on Patient on / about June 1, 7, 10, 17, 21 and 24 and July 1, 14, 19, 26 and 29, 2021. Licensee performed a limited ultrasound during each encounter. The "Labs and Imaging" portion of the Patient's charts from each encounter in June and July 2021; note:

Sonography:

Diagnostic ultrasound- 2D, gray scale, complete ultrasound using GE LOGIQ E with linear probe. Exam performed on cervical spine and surrounding musculature and thoracic spine and surrounding musculature with evaluation of muscles, bones, joints, tendons and related soft tissue structures. The typical pennate and "starry night" pattern is observed in visualized muscle. Typical anechoic joint space observed. The hyperechoic bone contours exhibit continuity. No other changes to related soft tissue structures unless noted below.

Assessment:

Hypoechoic in the muscle belly of --- left, right, cervical and thoracic paraspinals, levator scapula, supraspinatus, and upper trapezius. Findings are consistent with inflammation. Dynamic articulation was not performed.

8.

Licensee performed a limited ultrasound during Patient's injection therapy May-July 2021. Imaging chart notes state Licensee performed a complete ultrasound. Patient chart notes for this period contain identical images labeled as a hip joint, not related to the injection treatment area. The images did not correspond to the Licensee's description the chart note: "pennate and 'starry night' pattern is observed in visualized muscle." Licensee did not adequately chart objective or subjective findings, accurate assessments or subjective tissue findings throughout the period of treatment. Patient chart notes for May-July are identical, repeatedly copied and pasted from a standard template US report titled "Diagnostic ultrasound: US7 protocol." This conduct is a violation of OAR 850-050-0010(1)(a)(B): Inadequate charting.

9.

Ultrasound images can help distinguish trigger points from normal myofascial tissue and can help guide needle placement during trigger point injections. Ultrasound can help prevent complications by allowing for accurate injection of the targeted muscles. Licensee did not chart the needle placement while performing trigger point injections. Patient chart notes contain identical images of a hip joint, not related to the injection treatment area. Licensee did not conduct a complete ultrasound, where images are taken of both normal and abnormal tissue. Licensee performed limited ultrasounds through the course of treatment. Licensee repeatedly charted making observations that she did not, "pennate and 'starry night' pattern is observed in visualized muscle. Typical anechoic joint space observed. The hyperechoic bone contours exhibit continuity. No other changes to related soft tissue structures unless noted below." Patient chart notes for May-July are identical, repeatedly copied and pasted from a standard template US report titled "Diagnostic ultrasound: US7 protocol." Licensee did not chart objective or subjective findings, accurate assessments or subjective tissue findings throughout the period of treatment. As charted, Licensee diagnosis of inflammation and corresponding treatment plan is unsupported. This conduct is a violation of 805-050-0010(1)(c)(B): Negligent treatment.

SETTLEMENT AGREEMENT

10.

The Board finds, and the Licensee denies the findings of facts and conclusions of law regarding the violations referenced in this settlement agreement and consent order. Licensee stipulates the Board may enter the Consent Order set forth below, including the following terms and conditions: Reprimand

A: Licensee must comply with the following conditions within 90 days of signing this Order:

- Civil Penalty: \$2,000
- Continuing Education: Licensee must submit eight (8) hours of Board approved CE related to charting best practices

B. Licensee must comply with Oregon Administrative Rule 850-040-0240, and submit all education required prior to engaging in: Lower Body and Lower Body Extremity Injections; Upper Body and Upper Body Extremity Injections; and Peri-Spinal Injections. Licensee may perform subcutaneous, intramuscular, intravenous injections and IV therapy, including Ozone IV therapy.

C. Licensee shall comply with the statutes, rules and orders of the Board.

D. Licensee's failure to comply with any term of this order, ORS chapter 685 or OAR chapter 850 shall be grounds for additional discipline by the Board.

E. Licensee enters into this Settlement Agreement and Consent Order voluntarily and without any force or duress. Licensee states that the Board and Board staff have not made promises or representations not stated herein to induce her to sign this document and agree to issuance of the Order.

F. Licensee acknowledges that she had the opportunity to seek the advice of legal counsel. Licensee further acknowledges that she understands and agrees to the terms of this Order.

G. Licensee understands that she has the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and fully and finally waives any and all right to a hearing and any rights to appeal or otherwise challenge this Settlement Agreement and Consent Order.

H. The parties acknowledge that this Settlement Agreement and Consent Order is a public document.

I. This Settlement Agreement and Consent Order shall take effect on the date it is signed by the Board.

IT IS SO STIPULATED.



Licensee

2/19/2025

Date

CONSENT ORDER

The Board issues the following order:

Reprimand

A: Licensee must comply with the following conditions within 90 days of signing this Order:

- Civil Penalty: \$2,000
- Continuing Education: Licensee must submit eight (8) hours of Board approved CE related to charting best practices

B. Licensee must comply with Oregon Administrative Rule 850-040-0240, and submit all education required prior to engaging in: Lower Body and Lower Body Extremity Injections; Upper Body and Upper Body Extremity Injections; and Peri-Spinal Injections. Licensee may perform subcutaneous, intramuscular, intravenous injections and IV therapy, including Ozone IV therapy.

DATED this 25 day of February 2025.

BOARD OF NATUROPATHIC MEDICINE - State of Oregon

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

Mary-Beth Baptista, JD, Executive Director