

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Jeri Otterstrom, ND

Licensee.

Case Nos. 23-03-07

21-12-50

22-02-05

**AMMENDED 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. Jeri Otterstrom N.D. (Licensee) has been a licensed naturopathic physician in Oregon since October 12, 2001, and is subject to the jurisdiction of the Board.

2.

Pursuant to ORS 685.110 (21), 685.225, and OAR 850-050-0010(1)(c)(E), 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.

Case Number 23-03-07: Licensee entered the following contact information in the Board of Naturopathic Medicine database as required by OAR 850-050-0130:

Practice mailing address - record entered December 20, 2013:

Dr. Jeri Otterstrom, ND
Healing Tree Family Practice, LLC
1000 River Road
Eugene, OR 97404

*Above practice address is the listed location of the Healing Tree Family Practice on the practice website.

Home address – record entered December 28, 2021:

Dr. Jeri Otterstrom, ND

5244 Wales Drive

Eugene, OR 97402

PO Box Mailing address – record entered January 31, 2013:

Dr. Jeri Otterstrom, ND

PO Box 5161

Eugene, OR 97405

4.

Licensee entered the following contact information in Oregon Board of Naturopathic Medicine database:

Practice email – record entered December 30, 2019:

info@drotterstrom.com

*Above email address is listed as the email contact on the Healing Tree Family practice website.

Practice fax number – record entered December 20, 2013:

541-461-6884

*Above fax number is listed on the Healing Tree Family practice website.

5.

On June 16, 2022, Board Investigator Doug Cook sent Licensee a “notification letter” to the practice email of record, informing Licensee the Board opened investigation case number 21-12-50. The Board routinely sends out “notification letters” to licensees under investigation, informing them of the allegations, and that a subpoena will/may be forthcoming.

6.

On June 21, 2022, Investigator Cook sent Licensee a subpoena for medical records for investigation case number: 21-12-50 to the practice email of record. Investigator Cook told Licensee to provide the Board with the subpoenaed records and any additional information helpful to the investigation no later than 3:00 pm on July 8, 2022. Licensee did not contact the Board and did not provide the subpoenaed materials by July 8, 2022.

7.

On August 8, 2022, Investigator Cook sent Licensee a subpoena for medical records for investigation case number 21-12-50 via certified mail to the practice address of record. Investigator Cook told Licensee to provide the Board with the subpoenaed records and any additional information helpful to the investigation no later than 3:00 pm on August 26, 2022.

8.

On or about August 11, the certified mail receipt was returned to the Board, signed by "Melissa Anderson" as "agent." Licensee did not contact Board staff and did not provide the subpoenaed information by August 26, 2022.

9.

On June 16, 2022, Investigator Doug Cook sent Licensee a notification letter to the practice email of record, informing Licensee the Board opened investigation case number 22-02-05.

10.

On June 21, 2022, Investigator Cook sent Licensee a subpoena for medical records for case number 22-02-05 to the practice email of record. Investigator Cook told Licensee to provide the subpoenaed records and any additional information helpful to the investigation no later than 3:00 pm on July 8, 2022. Licensee did not contact the Board and did not provide the subpoenaed records by July 8, 2022.

11.

On or about August 8, 2022, Investigator Cook sent a subpoena for medical records for investigation case number 22-02-05 via certified mail to the practice address of record. Investigator Cook told Licensee to provide the Board with the subpoenaed records and any additional information helpful to the investigation no later than 3:00 pm on August 26, 2022.

12.

On or about August 11, the certified mail receipt was returned signed by "Melissa Anderson" as "agent." Licensee did not contact the Board and did not provide the subpoenaed records by August 26, 2022.

13.

On March 10, 2023, Executive Director Baptista sent Licensee subpoenas for cases numbered 21-12-50 and 22-02-05 from Naturopathic.Medicine@obnm.oregon.gov to the practice email of record, with a message restating Licensee is the subject of two Board investigations and required to cooperate with Board subpoenas. Baptista told Licensee to provide the subpoenaed records by Friday, March 24 at 2pm; or the Board will open a subsequent investigation for 850-050-010(1)(c)(E): Untimely response to a Board investigation. The March 10, email was returned "---- Transcript of session follows ----- <info@drotterstrom.com>... Deferred: Connection refused by drotterstrom.com." on March 12, 2023.

14.

On Monday, March 13, 2023, Baptista forwarded both subpoenas and the returned March 10 email to the Licensee's practice email address of record, from Baptista's direct email address.

Baptista explained the March 10, email was returned refused, and asked for confirmation of receipt of the March 13, email forward. Licensee did not contact the Board to confirm receipt. The March 13, email was not refused or returned undeliverable.

15.

On March 13, 2023, Baptista sent subpoenas for cases numbered 21-12-50 and 22-02-05 via certified mail to the practice address of record, telling Licensee to provide the Board with the subpoenaed records by Friday, March 24 at 2pm, or the Board will open a subsequent investigation for 850-050-010(1)(c)(E): Untimely response to a Board investigation. Licensee did not contact the Board and did not provide the subpoenaed materials by March 24, 2023. Licensee did not contact the Board and did not provide the subpoenaed records by March 24, 2023.

16.

On March 27, 2023, Baptista sent subpoenas for cases numbered 21-12-50 and 22-02-05 via certified mail to the home mailing address and PO box of record. Baptista enclosed a letter stating if Licensee did not provide the Board with the subpoenaed records by Friday, April 7 at 3pm, the Board will deliberate whether Licensee is in violation of statute or rule at their April 10, 2023, bi-monthly Board meeting.

17.

On March 27, 2023, Baptista sent a copy of the subpoenas for cases numbered 21-12-50 and 22-02-05 from Baptista's direct email address to the practice email address of record. Baptista told Licensee to provide the Board with the subpoenaed records by Friday, April 7 at 3pm, or the Board will deliberate whether Licensee is in violation of statute or rule at their April 10, 2023, bi-monthly Board meeting. Baptista told Licensee to confirm receipt of the email. Licensee did not contact the Board to confirm receipt. The March 27, email was not refused or returned undeliverable.

18.

On March 27, 2023, Baptista sent subpoenas for cases numbered 21-12-50 and 22-02-05 to the practice fax number of record. Baptista told Licensee to provide the Board with the subpoenaed records by Friday, April 7 at 3pm, or the Board will deliberate whether Licensee is in violation of statute or rule at their April 10, 2023, bi-monthly Board meeting. Board fax printed confirmation of 12 pages received by the practice fax number of record on March 27, 2023, at 4:48pm. Licensee did not contact the Board and did not provide the subpoenaed materials by April 7, 2023.

19.

Licensee's failure provide records in response to Board subpoenas for case number 21-12-50, sent to the practice email of record on June 21, 2022, March 13, and 27, 2023; sent via certified

mail to the practice mailing address of record on August 8, 2022 and March 13, 2023; and via certified mail to the home mailing and PO box address of record and practice fax number on March 27, is a violation of ORS 685.110 (21) Failing to respond in a timely manner to a request for information regarding a complaint or the investigation of a complaint by the board and OAR 850-050-0010(1)(c)(E) Untimely response to Board investigation.

20.

Licensee's failure provide records in response to Board subpoenas for case number 22-02-05, sent to the practice email of record on June 21, 2022, March 13, and 27, 2023; sent via certified mail to the practice mailing address of record on August 8, 2022 and March 13, 2023; and via certified mail to the home mailing and PO box address of record and practice fax number on March 27, is a violation of ORS 685.110 (21) Failing to respond in a timely manner to a request for information regarding a complaint or the investigation of a complaint by the board and OAR 850-050-0010(1)(c)(E) Untimely response to Board investigation.

21.

Case Number 21-12-50: Patient 1 saw Licensee on July 9, and again on August 12, 2020. Patient 1 then established care with Physician on December 18, 2020. Patient 1 signed a release of information so Physician could verify prior treatments, test results, prescriptions, medications prescribed and/or recommended by Dr. Otterstrom.

22.

Physician sent Licensee a request for Patient 1's medical records on December 20, 2020. Licensee did not respond to the request and did not provide the medical records to Physician. Physician sent a second request for Patient 1's medical records on March 15, 2021. Licensee did not respond to the request and did not provide Patient 1's medical records to Physician. Physician made four follow up calls and left messages for Licensee regarding the request for Patient 1's medical records. Licensee did not respond to the requests or messages. Licensee provided Physician the medical records on / about April 2023, after being served with the Board's Notice of Proposed Discipline for case 23-03-07 on / about April 17, 2023.

23.

Licensee's failure to respond to Physicians request for records on December 20, 2020 and March 15, 2021; and failure to provide medical records for over two years is a violation of 850-050-0010(1)(c)(C) - Failure to act in accordance with the American Association of Naturopathic Physicians Code of Ethics as adopted by the Board; which provides in Section 8(a) – Communication; (in relevant part): A naturopathic physician shall transfer patients records to another health care provider.

24.

Case Number 22-02-05: Patient 2 saw Licensee on January 4, 2022, for symptoms related to long Covid. Licensee directed Patient 2 to complete a homeopathic intake form so that Licensee could chose the correct remedy for patient. At their January 10, 2022, appointment Patient 2 and Licensee went over the completed homeopathic intake form. Licensee told Patient 2 she would

choose a remedy and get it to Patient 2. Licensee did not provide Patient 2 with a homeopathic remedy.

25.

Patient 2 sent Licensee emails on January 14,18,20 and 25th requesting the remedy. Patient called Licensee's office on / about January 29 and February 8, 2022, to follow up on their email correspondence and request the remedy. Licensee did not respond to the email or phone requests for the remedy.

26.

Licensee's failure to provide the remedy to Patient 2; failure to respond to Patient 2's emails on January 14,18,20 and 25th requesting the remedy; and failure to respond to Patient 2's calls and messages left on / about January 29 and February 8, 2022, is a violation of 850-050-0010(1)-(C) - Failure to act in accordance with the American Association of Naturopathic Physicians Code of Ethics as adopted by the Board; which provides in Section 8(c) – Communication; (in relevant part): A naturopathic physician shall treat the patient as a respected partner in their health and illness process, and treat with respect communication of the patient's concerns, symptoms, perspectives and medical history as a highly valued resource in determining the individual underlying causes of the patient's illness or health.

For the foregoing violations, the Board proposes the following discipline:

1. Probation - 36 months
2. Civil Penalty - \$10,000; waive \$5,000 with successful completion of probation. Payment Plan available.
3. Licensure Suspension – Six (6) licensure suspension; stay of imposition and waived with successful completion of probation.

27.

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.

28.

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.

29.

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.

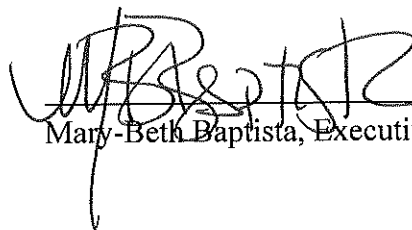
30.

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 become 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 28 day of August 2023.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon



Mary-Beth Baptista, Executive Director