

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Jennifer Tuttle

Respondent.

Case No. 23-05-18

Final Order by Default

Civil Penalty

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. Jennifer Tuttle (Respondent) was a licensed naturopathic physician in Oregon from January 1, 2013, through December 31, 2023, and was subject to the jurisdiction of the Board under ORS 676.205(1). Respondent did not renew her license during the 2023-2024 renewal period, and her license lapsed as of Jan. 1, 2024.

2.

Pursuant to ORS 685.110 (21), 685.225, and OAR 850-050-0010(1)(c)(E), and ORS 183.745. The Board may propose to impose a civil penalty up to \$5000 per violation.

3.

On May 20, 2023, the Oregon Board of Naturopathic Medicine (OBNM) received an electronic complaint regarding Respondent and opened an investigation.

4.

On / about June 12, 2023, Board Investigator Doug Cook sent Respondent an investigation notification via certified mail to Ohana Health and Wellness, to the clinic address of record listed in the Board database. Cook enclosed a subpoena for medical records, with a due date of June 30, 2023. The Board is in receipt of the certified mail return receipt, signed by Dr. Tuttle on / about June 20, 2023. Dr. Tuttle did not provide the Board the required documents by June 30, 2023.

5.

On or about July 29, 2024, Board Executive Director sent Respondent a subpoena for records via certified mail to Ohana Health and Wellness, to the clinic address of record listed in the Board

database; and Respondent's Oregon home address of record listed in the Board database. The enclosed cover letter stated:

A complaint has been filed with the Oregon Board of Naturopathic Medicine (Board) against your license as a naturopathic physician alleging violation of, but not limited to 850-050-0010(1)(c)(C): Failure to act in accordance with the American Association of Naturopathic Physicians Code of Ethics.

Please provide the Board with the requested information listed on the enclosed subpoena and any additional information you feel may be helpful to our investigation by **no later than 9am on August 9, 2024.**

7.

Respondent signed the certification affirming completion of delivery to her home address of record on or about July 31, 2024. The certified mail sent to Respondent's clinic address of record was returned to the Board as unable to deliver. Respondent did not provide the subpoenaed records on or after August 9, 2024.

8.

The Board sent via certified mail a Notice of Proposed Civil Penalty to Respondent on or about November 25, 2024, to Respondent's Oregon home address of record. The USPS confirmed that Respondent picked up the certified mail on or about December 5, 2024, from the post office branch located in Respondent's city of record.

9.

The notice informed Licensee of the right to request a hearing within 21 days. The notice informed Licensee 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. To date, the Board has not received a hearing request from Respondent.

10.

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:

11.

Findings of Fact

A. On May 20, 2023, the Oregon Board of Naturopathic Medicine (OBNM) received an electronic complaint regarding Respondent and opened an investigation.

B. On / about June 12, 2023, Investigator Doug Cook sent Respondent an investigation notification via certified mail to Ohana Health and Wellness, to the clinic address of record listed in the Board database. Cook enclosed a subpoena for medical records, with a due date of June 30, 2023. The Board is in receipt of the certified mail return receipt, signed by Dr. Tuttle on /

about June 20, 2023. Dr. Tuttle did not provide the Board the required documents by June 30, 2023.

C. Cook sent a second notification letter regarding the investigation to Respondent on December 5, 2023, to the email address of record listed in the Board database. The Respondent did not respond to the email and did not provide the subpoenaed medical records.

D. Respondent did not renew her license during the 2023-2024 renewal period, and her license lapsed as of Jan. 1, 2024.

E. To date Respondent has not communicated with the Board, did not provide the Board the subpoenaed records by the designated due dates, or thereafter. Respondent did not respond to the email and mail sent by Board staff regarding notices of investigation.

12.

Conclusions of Law

Respondent's failure to provide records in response to Board subpoena, sent via certified mail on / about June 12, 2023, to the practice mailing address of record 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.

13.

Final Order

The Board hereby orders the following civil penalty for Respondent for the violations described above.

Civil Penalty - \$10,000 (\$5000 per violation).

COLLECTION NOTICE: Pursuant to ORS 293.231, the Board will refer delinquent accounts for collection by the Department of Revenue or a private collection agency within 90 days of delinquency. Final amounts due may include collection fees imposed

by the collector and the accrual of interest, up to the statutory maximum permitted by ORS 82.101, in addition to the unpaid principal amount. The Board may record an unpaid penalties or costs with the county clerk of any county in this state, pursuant to ORS 205.125 and 205.126.

DATED this ___17___ day of ___January 2025.

BOARD OF NATUROPATHIC MEDICINE

State of Oregon

A handwritten signature in black ink, appearing to read 'M/B Baptista', written over a horizontal line.

Mary-Beth Baptista, JD
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.