

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Michael Miller
Applicant

Case No. 24-01-01

NOTICE OF LICENSURE DENIAL 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. On or about December 23, 2023, Michael Miller (Applicant) applied for a license with the Oregon Board of Naturopathic Medicine to practice Naturopathic Medicine in the State of Oregon.

2.

Applicant held an active Arizona Naturopathic Medical License from 2012 through 2018. On and about November 16, 2018, Applicant entered into a Consent Agreement for Voluntary [Licensure] Surrender (Consent Order) with the Arizona Naturopathic Medical Board.

3.

The Board proposes to deny Applicant a license as a naturopathic physician on the grounds described in the following paragraphs.

4.

Per the Consent Order findings of fact, Applicant treated Patient TC from on and about July 15, 2016, until March 1, 2017, for lower back and abdominal pain and severe anxiety.

- a. Applicant engaged in a sexual relationship with Patient TC while Patient TC was Applicant's Patient. Engaging in a sexual relationship with a patient is grounds for denial of Applicant's license under OAR 850-050-0190(4)(b) and ORS 685.110(23).
- b. Applicant prescribed Patient TC with opioids and benzodiazepines concurrently from July 2016-September 2016. Patient TC's medical records and chart notes were inadequate and did not provide justification or rationale for the medication Applicant prescribed. Patient TC's charts did not include diagnostic records pertaining to lower back pain, or medical records from prior treatment physicians

or surgeries to evaluate Patient TC's pain and medical condition prior to prescribing opioid therapy. Applicant did not enter into an opioid agreement with Patient TC or complete or document other opioid risk assessments. Applicant did not chart or monitor Patient TC's compliance with the medication protocol, including required urine toxicology. Applicant did not enter into an opioid agreement with Patient TC or complete or document other opioid risk assessments. This conduct is grounds for denial of Applicant's license as it is negligent prescribing under OAR 850-050-0010(1)(c)(A) and ORS 685.110(8).

- c. Applicant medical records for patient TC lacked objective clinical tests, examinations or SOAP assessment, Risk Assessment tools, or opioid agreement, nor documentation for several prescriptions issued from July 15, 2016, through March 1, 2017. Applicant also failed to maintain adequate legible medical records supporting the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings, and provide sufficient information for continuity of care. This conduct is grounds for denial of Applicant's license as it is negligent treatment under OAR 850-050-0010(1)(c)(B) and ORS 685.110(8).

5.

Per the Consent Order findings of fact, Patient NS presented to Applicant on May 21, 2015, for complaints of back pain and seeking medical marijuana certification for medical marijuana. Applicant treated Patient NS for lower back pain from May 21, 2015, through March 5, 2018. Applicant did not maintain adequate medical records in that there was no documentation to explain why Patient NS refilled prescribed medication early, no documentation to show that Applicant ordered or reviewed diagnostic studies to properly evaluate her during early stages of treatment. This conduct is grounds for denial of Applicant's license as it is inadequate charting under OAR 850-050-0010(1)(a)(B) and ORS 685.110(23).

6.

Per the Consent Order findings of fact, Applicant treated Patient RS for knee pain and chronic headaches beginning on April 21, 2015.

- a. Applicant prescribed a Z-pac, Soma and Alprazolam. Applicant treated Patient RS with prescriptions for diazepam from September 28, 2016, through February 21, 2018. Patient RS presented to Applicant for treatment for "unspecified anxiety" for which he prescribed benzodiazepines without documenting or addressing other attempted modalities, non-benzodiazepines without documenting or addressing other attempted modalities. This conduct is grounds for denial of Applicant's license as it is negligent prescribing under OAR 850-050-0010(1)(c)(A) and ORS 685.110(8).
- b. Applicant certified Patient RS for medical marijuana but did not maintain adequate medical records containing sufficient information to identify the patient, support the diagnosis or justify treatment. Applicant did not document advising Patient RS on

advice and cautionary warnings and provide sufficient information for continuity of care. Patient RS's medical records were inadequate in that there is no documentation of previous anxiety disorder, what modalities were tried, non-benzodiazepine therapies, evaluations, or behavioral counseling. Applicant did not chart a treatment plan other than medical marijuana and opioid prescribing. This conduct is grounds for denial of Applicant's license as it is inadequate charting under OAR 850-050-0010(1)(a)(B) and ORS 685.110(23).

7.

Applicant held an active Arizona Naturopathic Medical License from 2012 through 2018. On and about November 16, 2018, Applicant entered into a Consent Agreement for Voluntary [Licensure] Surrender (Consent Order) with the Arizona Naturopathic Medical Board. Discipline by the Arizona Naturopathic Medical Board is grounds for denial of Applicant's license under OAR 850-050-0010(2) (a) (C) The licensee has previously been disciplined by the Board or in another jurisdiction.

NOTICE OF OPPORTUNITY FOR HEARING

8.

Licensee is entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183). A written request for hearing must be filed with the Board within 60 days from the date this notice was mailed and must be accompanied by a written answer to the charges contained in this Notice. A request for hearing must be mailed to Oregon Board of Naturopathic Medicine, 800 NE Oregon Street, Suite 407, Portland, OR 97232.

9.

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.

10.

An answer is required to this Notice, pursuant to OAR 850-001-0010, 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.

11.

If you fail to request a hearing within 60 days, withdraw a request for a hearing, notify the Board or administrative law judge that you will not appear or fail to timely appear at a scheduled hearing, the Board may issue a final order by default. 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>. The Oregon Military Department does not have a toll free phone number.

DATED this 29 day of March 2024.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon



Mary-Beth Baptista, Executive Director