

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Arcoma Gonzales-Lambert, N.D.,

Licensee.

Case No. N16-02-04

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. Arcoma Gonzales-Lamber, N.D. (Licensee) was a licensed naturopathic physician in Oregon at all relevant times pertaining to this investigation,¹ and is subject to the jurisdiction of the Board.

2.

The Board conducted an investigation based on concerns with Licensee's prescribing practices, which arose during the review of information gathered in the course of a separate investigation. Based on the results of this investigation, the Board hereby proposes to assess a civil penalty against Licensee for violations of ORS 685.110(8) and (14), as described in the following paragraphs. For each violation, the Board may impose a civil penalty up to \$5,000 and take license discipline including revocation.

3.

**Negligence (ORS 685.110(8) and Conduct or Practice which might Constitute a
Danger to the Health or Safety of a Patient or the Public (ORS 685.110(14)).**

On or about May 11, 2016, a licensed naturopath in the state of Oregon (AA), provided a statement to the Board regarding the circumstances under which she began working with Licensee at Licensee's practice and Licensee's eventual departure from that practice. Licensee's conduct was such that, Licensee committed negligence related to the practice of naturopathic

¹ Licensee's license expired December 31, 2016.

medicine, in violation of ORS 685.110(8), and engaged in conduct that constituted a danger to the health and safety of her patients, in violation of ORS 685.110(14).

In 2014, AA received an offer to join Licensee's naturopathic practice. AA accepted the offer, and began working with Licensee on or about January 22, 2014. AA stated that Licensee offered to provide AA with guidance and mentorship during AA's transition at the practice.

In June of 2014, Licensee took an approximately two and one half month vacation. Licensee returned to the practice, but would refuse to meet with patients. AA stated that Licensee informed her she wanted to handle the marketing for the business, but did not want to practice. Licensee did not provide AA with a transition plan or instructions for managing the care of the patients at the clinic.

Licensee's conduct created stress for AA, as well as gaps in critical patient care at the clinic. In one instance, AA reported that a terminally ill patient went several months without her thyroid medication because Licensee was not available to write a prescription. AA stated that she did not know the procedure for submitting billings to insurance companies, and Licensee did not train her on the protocol for doing so. AA also stated that Licensee refused to set up a personal voicemail at the clinic, and would sporadically return calls from patients, if at all.

On or around December 3, 2014, AA received a phone call from Licensee in which Licensee informed AA that Licensee planned to close the clinic on December 15, 2014. Licensee informed AA not to tell patients the clinic was closing, and to instead create a sign and put it on the door. AA stated that there were patients scheduled into April of 2015, and AA felt that as licensees they had a responsibility to the patients.

On or around December 2, 2014, Licensee posted on her Facebook page that she had decided to close the clinic "on December 31" 2014. On December 26, 2014, Licensee posted on both the clinic's Facebook page and her personal Facebook page that the clinic was holding a closing sale. Licensee never notified AA or any patients personally of her intentions. AA presented the Board with a letter dated December 26, 2014, authored by two former patients of

Licensee, stating that Licensee has “no respect to your patients”, she had put several “in a major bind with our medical issues”, that Licensee “should have been more professional”, and that Licensee “should be ashamed of yourself”.

AA informed the Board that she is having difficulty tracking down missing patient records, and that she currently has 627 active patient files. Upon closure of the clinic, Licensee had patient records put into trash bags and tubs in a storage unit.

By engaging in the conduct described above, Licensee committed negligence related to the practice of naturopathic medicine, in violation of ORS 685.110(8), and engaged in conduct that constituted a danger to the health and safety of her patients, in violation of ORS 685.110(14). Licensee’s conduct was negligent, as she did not take any reasonable steps to ensure patient care needs would be met, records would be properly transferred to new providers, or that AA was in position to successfully manage the practice during Licensee’s absences. This conduct constituted a danger to the health and safety of her patients, as the chaotic closure of Licensee’s clinic created distress for patients, patients were not able to have their care needs met during Licensee’s absences, and the absence and unavailability of records put patients at risk of not receiving medications they needed or potentially receiving medications they should not from their new providers.

4.

Definitions that may be relevant to this Notice are contained in ORS 685.010 and OAR 850-010-0005.

5.

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

1. Civil penalties in the total amount of twenty thousand dollars (\$20,000) to be paid within 30 days of signing of the final order, unless a payment plan is agreed upon between Licensee and the Board’s Executive Director within the 30 days.

6.

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 mail any request for hearing 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.

7.

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.

8.

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.

9.

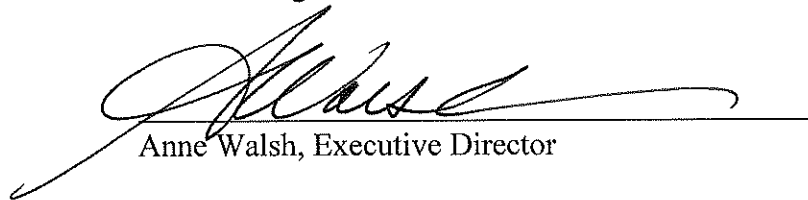
If you fail to request a hearing within 21 days, withdraw a request for a hearing, notify the Board or administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Board may issue a final order by default revoking your license. If the Board issues a

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 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

DATED this 1st day of February 2017.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon



Anne Walsh, Executive Director