

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of

DR. NESBITT DURR ELMORE, ND,

Licensee.

Case No. 22-11-29

**CONSENT ORDER AND
SETTLEMENT AGREEMENT**

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. Nesbitt Durr Elmore, ND (Licensee) is a licensed naturopathic physician in Oregon and 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, the Licensee denies but stipulates to, the Amended Notice of Proposed Disciplinary Action dated November 14, 2023 and incorporated herein.

3.

SETTLEMENT AGREEMENT

The Board finds, and the Licensee denies the findings of facts and conclusions of law regarding the violations referenced in the Amended Notice of Proposed Disciplinary Action and

this Settlement Agreement and Consent Order. Licensee agrees that the Board may enter the Consent Order set forth below, including the following terms and conditions:

- A. Civil penalty: \$5,000. The Board will suspend \$4,000 of the fine, which will be discharged upon the successful completion of the Consent Order. The remaining \$1,000 is to be paid by Licensee in monthly installments beginning 8 months after the Consent Order is signed.
- B. Probation: Three (3) years, with the following conditions:
 - a. Practice Restriction: Cease prescribing Opioids and Benzodiazepines effective on the date the Consent Order is signed. Facilitate immediate referrals for any patients with active and continuing Opioid and Benzodiazepine prescriptions.
 - b. Continuing Education: Within 6 months of the start of probation, complete the following education with prior course approval from the Board:
 - i. Four (4) hours of pain management and prescribing;
 - ii. Two (2) hours of patient boundaries; and
 - iii. Two (2) hours of patient charting
 - c. Register with PDMP
- 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 him to sign this document and agree to issuance of the Order.
- F. Licensee acknowledges that he had the opportunity to seek the advice of legal counsel. Licensee further acknowledges that he understands and agrees to the terms of this Order.

- G. Licensee understands he 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.

Nesbitt Durr Elmore

Licensee

12/1/22023

Date

CONSENT ORDER

The Board issues the following order:

- A. Civil penalty: \$5,000. The Board will suspend \$4,000 of the fine, which will be discharged upon the successful completion of the Consent Order. The remaining \$1,000 is to be paid by Licensee in monthly installments beginning 8 months after Consent Order is signed.
- B. Probation: Three (3) years, with the following conditions:
- a. Practice Restriction: Cease prescribing Opioids and Benzodiazepines effective on the date the Consent Order is signed. Facilitate immediate referrals for any patients with active and continuing Opioid and Benzodiazepine prescriptions.
 - b. Continuing Education: Within 6 months of the start of probation, complete the following education with prior course approval from the Board:

- i. Four (4) hours of pain management and prescribing;
 - ii. Two (2) hours of patient boundaries; and
 - iii. Two (2) hours of patient charting.
- c. Register with PDMP

DATED this __4th__ day of __December__, 2023.

BOARD OF NATUROPATHIC MEDICINE – State of Oregon



Mary-Beth Baptista, Executive Director

Signature: Nesbitt Elmore
Nesbitt Elmore (Dec 1, 2023 15:02 PST)

Email: durrelmore@yahoo.com