

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Jason Black, ND

Case No. 16-10-30

Case No. 17-07-141

Case No. 18-08-33

**Consolidated Settlement Agreement and
Amended Consent Order**

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. Jason Black, N.D. (Licensee) is a licensed naturopathic physician in Oregon, and is subject to the jurisdiction of the Board.

2.

The Board issued a Notice of Proposed Disciplinary Action in Case No. 16-10-30 to Licensee on or about January 30, 2018. Licensee was provided the opportunity to request a hearing on the Notice. In lieu thereof, on or about March 28, 2018, the parties resolved this matter informally, without any hearing, appeal or judicial review, by entering a Settlement Agreement and Consent Order, pursuant to ORS 183.417(3) on the terms set forth below. This Consolidated Settlement Agreement and Amended Consent Order incorporates and supersedes that prior Settlement Agreement and Consent Order.

3.

Licensee and the Board desire to settle the cases numbered 17-07-141, and 18-08-033, by entry of this Consolidated Settlement Agreement and Amended Consent Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of, and entry of, this Order in the
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Board's records. In lieu thereof, the parties wish to resolve cases numbered 17-07-141, and 18-08-033, informally, without any hearing, appeal or judicial review, by entering this consolidated settlement agreement and amended consent order, pursuant to ORS 183.417(3) on the terms set forth below.

4.

The Board finds the Licensee committed the violations described in the Notice of Proposed Disciplinary Action filed in 16-10-030 proceeding. The findings of facts and conclusions of law regarding those violations in the Notice of Proposed Disciplinary Action are incorporated by reference into this consolidated settlement agreement and amended consent order. Licensee neither admits nor denies the allegations and proposed findings, but agrees to enter into the Amended Consent Order and Consolidated Settlement offer set forth below, including the following enumerated terms and conditions.

SETTLEMENT AGREEMENT

Licensee neither admits nor denies the following allegations and proposed findings, but the parties agree to enter into this consolidated settlement agreement and amended consent order in cases numbered 16-10-030, 17-07-141, and 18-08-033.

5.

17-07-141: Dr. Black saw Patient A from April 24, 2014, through January 8, 2016 for injuries related to a motor vehicle accident. For Patient A, Dr. Black submitted \$20,000 in charges with duplicated computer generated notes.

6.

Dr. Black billed Patient A for trigger point injections on May 9 and May 13, and May 20, 2014. Dr. Black did not make a chart note stating he performed trigger point injections on May 9 and May 13. Dr. Black did chart that he performed a trigger point injection on May 20, 2014.

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7.

During his Board interview, Dr. Black reviewed Patient A's billing record and chart notes for the aforementioned office visits. Dr. Black did "not have an explanation" why he did not chart the May 9 and May 13 trigger point injections.

8.

During his Board interview, Dr. Black also reviewed Patient A's billing and chart notes from an April 17, 2015, office visit. Dr. Black made a chart note that he performed a platelet rich plasma injection (PRP) at the aforementioned visit. Dr. Black billed Patient A for both PRP and a joint injection for the April 17, 2015, visit. Dr. Black acknowledged that he should have charted for both and this was a "charting error on his side."

9.

The Board finds the above described conduct to be in violation of OAR 850-060-0010(1)(a)(B) – Inadequate Charting.

10.

During his interview, Dr. Black stated he performed both PRP and joint injections during Patient A's ten (10) subsequent office visits. However, Dr. Black's chart notes for Patient A's ten (10) subsequent office visits only state he performed PRP injections. Dr. Black billed Patient A for both PRP and joint injections for the aforementioned visits.

11.

During his interview, Dr. Black said he did not know why he did not chart Patient A's joint injections on the aforementioned office visits and said "that was an error on my part...I would never bill for something I didn't do."

12.

The Board finds the above described conduct to be in violation of OAR 850-060-0010(1)(a)(B) Inadequate Charting.

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13.

18-08-33: Dr. Black treated patient A1 from June 14, 2016, through August 8, 2018. Dr. Jason Black saw Patient A1 for the first time on June 15, 2016, "to have a cyst on his right shoulder looked at." Patient A1 said the cyst was a size of an apricot and recalled Dr. Black removed the cyst on June 20, 2016. Patient A1 said on June 21, 2016, his incision started bleed and fluid oozed from the wound down his back. Patient A1 said he saw Dr. Jason Black again June 22, 2016 and Dr. Black replaced the Tagaderm bandage on his incision.

14.

Patient A1 went to Providence emergency room (ER) on June 23, 2016 because his wound continued to ooze and bleed. Yana Bojilova-Norman, FNP treated Patient A at Providence Hospital ER. She wrote the following chart note "there is a laceration which measures approximately 5 cm in length." Ms. Bojilova-Norman also wrote "I spoke to Dr. Black who performed his sebaceous cyst removal 4 days ago. We both agreed that applying another suture in the middle the wound would be appropriate."

15.

The Board reviewed Patient A's chart notes for the aforementioned dates and procedure. Dr. Black wrote in Patient A's chart note that he made a "1 cm incision" to remove Patient A's cyst on June 22, 2016. Dr. Black did not make a note in Patient A's chart that he spoke with Ms. Bojilova-Norman.

16.

During his Board interview Dr. Black acknowledged he did not chart his conversation with Bojilova-Norman regarding Patient A1's ER visit. He said he had no explanation for not making the chart note.

17.

The Board finds the aforementioned conduct to be in violation of OAR 850-060-0010(1)(a)(B) - Inadequate Charting.

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18.

The Board finds that Dr. Black did not sufficiently update Patient A1's chart notes from June 15-29, 2017. Dr. Black copied and pasted the majority of the content from one chart to another.

19.

The Board finds the above described conduct to be in violation of OAR 850-060-0010(1)(a)(B) – Inadequate Charting.

20.

Licensee agrees that the Board may enter the Amended Consent Order set forth below, including the following terms and conditions:

A. Licensee is on probation, from the date of his signature on this Consolidated Settlement Agreement and Amended Consent Order to August 21, 2024. Licensee is responsible for the costs of compliance with the probation and any of the requirements in this Consolidated Settlement Agreement and Amended Consent Order.

B. Licensee must successfully complete the following continuing education:

- i. Eight (8) hours of in person education on patient charting, within the first year of probation. If Licensee is unable to locate eight hours of in person training on patient charting in the State of Oregon, Licensee must contact the Board in writing within 6 months of signature on this Consolidated Settlement Agreement and Amended Consent Order stating Licensee is unable to find in person training, and at that time shall submit a continuing education application for an alternative mode of education on patient charting for Board approval to meet this condition of probation.
- ii. Five (5) hours of doctor / patient confidentiality, within first 3 years of probation.
- iii. Two (2) hours of patient charting.

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iv. Sixteen hours of ethics imposed in previous order 16-10-30, eight (8) of the sixteen hours must be completed within one year from Licensee's signature on this Consolidated Settlement Agreement and Amended Consent Order.

C. Chart Review: During the probation, Licensee will quarterly submit to the Board ten patient charts for review within 15 days at the end of each quarter under the Board's current chart review requirements. Licensee is responsible for following all Board instructions regarding this chart review, and for communicating with the Board if he has any questions regarding the requirements.

D. A \$10,000 civil penalty is imposed, with \$5,000 of this civil penalty suspended and then waived with successful completion of probation. This remaining \$5,000 civil penalty is due and payable 30 days from Licensee's signature on this Consolidated Settlement Agreement and Amended Consent Order. Licensee may request a payment schedule, but the terms of any payment schedule are within the full discretion of the Board Administrator and Licensee must comply with any payment schedule set by the Board administrator.

E. Licensee enters into this Consolidated Settlement Agreement and Amended Consent Order voluntarily. Licensee states that the Board and Board staff have not made promises or representations not stated herein to induce to signing this document and agreement to issuance of the Order.

F. Licensee understands that this Consolidated Settlement Agreement and Amended Consent Order is a public document.

G. This Consolidated Settlement Agreement and Amended Consent Order shall take effect on the date it is signed by the Board.

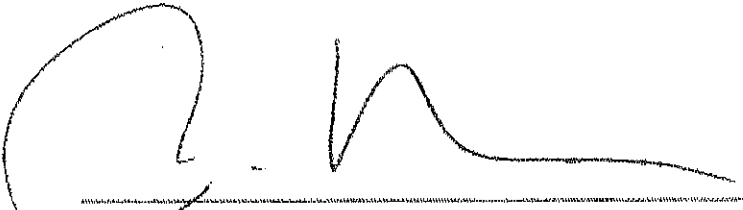
H. Licensee shall comply with the statutes, rules and orders of the Board.

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I. 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, up to and including revocation of Licensee's license to practice naturopathic medicine.

IT IS SO STIPULATED.



Jason Black, ND

2/5/20

Date

AMENDED CONSENT ORDER

The Board issues the following final order:

Licensee agrees that the Board may enter the Amended Consent Order set forth below, including the following terms and conditions:

- A. Licensee is on probation, from the date of his signature on this Consolidated Settlement Agreement and Amended Consent Order to August 21, 2024. Licensee is responsible for the costs of compliance with the probation and any of the requirements in this Consolidated Settlement Agreement and Amended Consent Order.
- B. Licensee must successfully complete the following continuing education:
- i. Eight (8) hours of in person education on patient charting, within the first year of probation. If Licensee is unable to locate eight hours of in person training on patient charting in the State of Oregon, Licensee must contact the Board in writing within 6 months of signature on this Consolidated Settlement Agreement and Amended Consent Order stating Licensee is unable to find in person training, and at that time shall submit a continuing education application for an alternative mode of education on patient charting for Board approval to meet this condition of probation.
 - ii. Five (5) hours of doctor / patient confidentiality, within first 3 years of probation.
 - iii. Two (2) hours of patient charting.
 - iv. Sixteen hours of ethics imposed in previous order 16-10-30, eight (8) of the sixteen hours must be completed within one year from Licensee's signature on this Consolidated Settlement Agreement and Amended Consent Order.

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C. Chart Review: During the probation, Licensee will quarterly submit to the Board ten patient charts for review within 15 days at the end of each quarter under the Board's current chart review requirements. Licensee is responsible for following all Board instructions regarding this chart review, and for communicating with the Board if he has any questions regarding the requirements.

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G. This Consolidated Settlement Agreement and Amended Consent Order shall take effect on the date it is signed by the Board.

H. Licensee shall comply with the statutes, rules and orders of the Board.

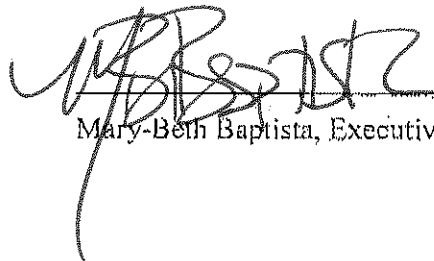
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I. Licensee's failure to comply with any term of this order, ORS chapter 685 or OAR chapter 850 shall be grounds for additional discipline by the Board, up to and including revocation of Licensee's license to practice naturopathic medicine.

DATED this 10 day of Feb 2020.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon



Mary-Beth Baptista, Executive Director