

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Mary Grabowska, ND

Licensee.

Case No. 20-04-06

Case No. 20-07-24

**CONSOLIDATED 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, pursuant to Oregon Revised Statutes (ORS) chapter 685 and Oregon Administrative Rules (OAR) chapter 850. Dr. Mary Grabowska N.D. (Licensee) is a licensed naturopathic physician in Oregon and is subject to the jurisdiction of the Board.

2.

Pursuant to ORS 685.110(11) and (14), OAR 850-050-0190(3) and (5), the Board hereby proposes to take disciplinary action against Licensee's license to practice naturopathic medicine, on the grounds described in the following paragraphs. For each violation, the Board may impose a civil penalty up to \$5,000, a term of probation, a letter of reprimand and license limitation, suspension, or revocation.

3.

The Provider Clinical Support Unit (PCSU) of the Oregon Health Authority (OHA) is responsible for reviewing requests for Out of Hospital Births (OOHB) to confirm that each request meets established criteria for approval and determines if the requested service is clinically appropriate and reimbursable through Medicaid.

4.

On October 24, 2019, Licensee submitted a prior approval request to OHA PCSU for an out of hospital birth for Patient A. The second page of the prior approval request for an OOHB lists

specific information to include in the prior authorization packet. The ninth entry on the list requests a “complete maternal OB history.” Licensee listed her chart note from July 17, 2019, to represent Patient A’s complete maternal OB history. The July 17, 2019, chart note does not mention a previous C-section. Item ten requests a “complete medical/surgical history.”

The supporting documentation for the prior authorization request Licensee provided to OHA indicated no remarkable risk factors or disqualifiers from Medicaid approval for OOHB services. A prior cesarean delivery is a disqualifier from Medicaid approval for OOHB services. Licensee did not disclose information pertaining to Patient A’s previous cesarean delivery to OHA in the prior authorization packet, nor was cesarean scarring noted in any other assessment findings. OHA PCSU approved the authorization prior to the labor and delivery of Patient A’s child. Patient A had disclosed to Licensee in her new patient paperwork that she had a previous c-section. Licensee wrote “prior c-section” in Patient A’s Sept. 11, 2019, assessment section of her chart notes but did not provide this chart note of OHA PCSU. Subsequently, complications arose during Patient A’s labor on January 21, 2020, and care was transferred to Legacy Emanuel emergency services. Hospital reports indicated that Patient A had a history of a previous cesarean delivery.

5.

Licensee’s failure to truthfully respond with the information requested in the OHA prior approval OOHB form, and withholding information known to disqualify a patient from an Out of Hospital Birth to secure payment from Medicaid for an out of hospital birth, are violations of ORS 685.110(11) and OAR 850-050-0190(5) in that Licensee received a fee (the Medicaid reimbursement) through a misrepresentation. Licensee’s failure to truthfully respond with the information requested in the OHA prior approval OOHB form, and withholding information known to disqualify a patient from an Out of Hospital Birth to secure payment from Medicaid for an out of hospital birth, are violations of ORS 685.110(14) and OAR 850-050-0190(3) as the conduct was contrary to the American Association of Naturopathic Physicians Code of Ethics, which requires that a naturopathic physician conduct themselves honestly and not engage in false or deceptive conduct.

6.

Licensee submitted a CPR card to staff at Birthingway College that represented she completed a CPR training provided by Jennifer Walton with Just In Time Training, and the card was valid from 09/27/17 to 09/29/19. When Birthingway staff told Licensee they would be verifying her attendance of the course with the AHA, Licensee informed staff she did not take the training, and forged the CPR card.

7.

On November 13, 2019, Licensee was terminated from her position as student preceptor for the following violations of the college's preceptor agreement: 1) meet preceptor requirements for supervision and documentation, and 2) provide and model professional behavior and boundaries.

8.

Licensee acknowledged that she started her preceptorship with Student A without completing the college's preceptorship requirement for CPR. After several months serving as a preceptor for Student A, the college informed Licensee she needed to submit her CPR before Student A could get credit for the preceptorship and graduate. Licensee admitted she found an expired CPR card and altered the dates to show it was valid for the period she was a preceptor for Student A. Licensee admitted she sent Birthingway the fraudulent CPR card to deceive them so Student A could graduate.

9.

Student A was not aware that licensee forged the CPR card until Birthingway College staff informed them. Student A did not get credit for the time spent with Licensee and had to redo the preceptorship with a different preceptor to graduate.

10.

Licensee knowingly applied for a preceptorship without meeting the specific requirements, falsified an expired CPR card by affirming that she had completed the required training and altered and falsified the valid dates to deceive staff at Birthingway College that she completed their training requirements. Based on the grounds described above and in the previous recitations,

Licensee is in violations of ORS 685.110(14), OAR 850-050-0190(3) as the conduct was contrary to a the American Association of Naturopathic Physicians Code of Ethics, which requires that a naturopathic physician conduct themselves honestly and not engage in false or deceptive conduct.

11.

For the violations described above; the Board proposes the following consolidated discipline:

- A. Probation – 36 Months.
- B. Civil Penalty - \$5,000 (2,500 per violation).
- C. Six (6) Month Suspension – Natural Childbirth Certificate and License to practice naturopathic medicine.
- D. Eight (8) Hours Continuing Education in addition to annual continuing education renewal requirements per 850-040-0210, to be completed within the first 12 months or probation – Six (6) Ethics and Four (4) Fraud and Abuse.

12.

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 submit request for hearing to either via email Naturopathic.Medicine@obnm.Oregon.gov or U.S. Mail 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.

13.

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.

14.

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.

15.

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 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

DATED this ___ 1 ___ day of ___ February _____ 2022.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon



Mary-Beth Baptista, Executive Director