

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Dr. Michelle Jackson, N.D ,

Licensee.

Case No. 22-04-13

**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. Michelle Jackson, N.D. (Licensee) is a licensed naturopathic physician in Oregon and is 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, Licensee denies, but stipulates to the following:

3.

Licensee first saw Patient, 37 years old, in 2014. Licensee treated patient for Lupus, an auto immune disease, which caused Patient issues like pain, fatigue, and insomnia. When licensee established care, Patient was being prescribed Ambien for insomnia and Dextroamphetamine for fatigue. Licensee continued those prescriptions. Licensee also prescribed Alprazolam and Diazepam for insomnia and anxiety. Licensee prescribed Estradiol and Progesterone to Patient due to their clinical presentation, and after hormone tests showed levels low of normal.

4.

PDMP records for November 9, 2020, through April 19, 2022, show Licensee regularly prescribed Patient a 20-day course of Hydrocodone- Acetaminophen – 5-325mg; a 30-day course of Dextroamphetamine – 20mg, Dextroamphetamine – 30 mg, Alprazolam – 0.5 mg, Gabapentin – 300 mg; and a 60-day course Diazepam 2mg.

5.

Patient records, beginning in 2014, show that licensee did not conduct in person physical exams at the beginning of care, annually, or when the patient reported changes to their medical history. Patient reported seeing other care providers, but licensee did not have these records.

6.

Patient charts lacked objective findings. Licensee did not give Patient a written warning regarding the risks associated with taking a combination opioids and benzodiazepines. Licensee and Patient did not enter a pain medication contract.

7.

Prescription opioids are powerful medications that have pain-reducing benefits but also may lead to misuse, addiction, overdose, and even death. The combined use of opioids and benzodiazepines increases the risk for potentially lethal respiratory depression. A pain management contract, or pain management agreement, is a written description of the long-term effects, benefits, and risks of certain medications, especially opioids. It includes strict guidelines for the proper use of the medication and is signed by both the individual being treated and their prescribing physician.

8.

Based on this conduct, Licensee denies, but the Board finds that Licensee committed negligence related to the practice of naturopathic medicine, in violation of ORS 685.110(8), and engaged in negligent prescribing in violation of OAR 850-050-0010(1)(c)(A).

SETTLEMENT AGREEMENT

9.

The Board finds, and the Licensee denies the findings of facts and conclusions of law regarding the violations referenced in 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. Probation – Two years, with the following conditions:

- Patient Chart Reviews: Quarterly, five (5) random new patient charts (post order) selected from licensee's schedule for the prior quarter. Licensee will incur all costs associated with quarterly chart reviews.
- CE: Total of 12 continuing education as follows, completed in first six (6) months of probation.
 - Four (4) Telemedicine – management / treatment of telemedicine patients.
 - Four (4) PCP general patient health management
 - Four (4) medication and prescribing management.
 - Six (6) continuing education hours imposed as a condition of probation may be used toward licensee's annual renewal requirement. The remaining six (6) hours will be in addition to the annual renewal requirement.
- Civil Penalty: \$2,500 – Penalty shall be paid in a minimum of 18 payments, beginning on the first day of the seventh month of the probation.

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

C. 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.

D. 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 her to sign this document and agree to issuance of the Order.

E. Licensee acknowledges that she had the opportunity to seek the advice of legal counsel. Licensee further acknowledges that she understands and agrees to the terms of this Order.

F. Licensee understands that she 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.

G. The parties acknowledge that this Settlement Agreement and Consent Order is a public document.

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

IT IS SO STIPULATED.

Michelle Jackson

Michelle Jackson (Feb 10, 2023 15:22 PST)

Licensee

Feb 10, 2023

Date

CONSENT ORDER

The Board issues the following order:

Probation – Two years, with the following conditions:

- Patient Chart Reviews: Quarterly, 5 random new patient charts (post order) selected from licensee's schedule for the prior quarter. Licensee will incur all costs associated with quarterly chart reviews.
- CE: Total of 12 continuing education as follows, completed in first six (6) months of probation.
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- Civil Penalty: \$2,500 – Penalty shall be paid in a minimum of 18 payments, beginning on the first day of the seventh month of the probation.

DATED this 13 day of Feb. 2023.

BOARD OF NATUROPATHIC MEDICINE - State of Oregon

A handwritten signature in black ink, appearing to read "MB Baptista", written over a horizontal line.

Mary-Beth Baptista, Executive Director