

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of

ROBERT J. SCHWARTZ, N.D.,
Licensee.

Case No. 12-08-23

SETTLEMENT AGREEMENT AND
CONSENT ORDER - AMENDED

The Board of Naturopathic Medicine (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon. Robert J. Schwartz, N.D., (Licensee) is a licensed naturopathic physician practicing in The Dalles, Oregon, and is subject to the jurisdiction of the Board.

The Board issued a Notice of Proposed Disciplinary Action (Notice) to Licensee on September 3, 2013, which is incorporated herein by reference. Licensee timely requested a hearing on the Notice. On May 21, 2014, the parties resolved this matter informally, without any hearing, appeal or judicial review, by entering into a Settlement Agreement and Consent Order, pursuant to ORS 183.417(3). The parties now enter into this subsequent Settlement Agreement that supersedes the previously entered Settlement Agreement and consent order signed on or about May 21, 2014.

SETTLEMENT AGREEMENT

1. The Board and Licensee stipulate to the following:

Licensee treated Patients A, B and C. Licensee denies, and the Board contends that Licensee prescribed opiates for these patients in doses that are not supported by objective findings, that Licensee did not screen for contraindications before prescribing opiates and did not screen prior to prescribing benzodiazepines, that Licensee did not routinely screen for diversion or multi-drug use while prescribing opiates to these patients, and that

Licensee did not refer patients for addiction, psychiatric or long-term pain treatment as necessary.

2. Licensee and the Board stipulate that Licensee's conduct in treating Patients A, B, and C was below the standard of care in violation of ORS 685.110(8).
3. Licensee agrees that Licensee shall be on probation for ten years from the date of signature of this order, with the following conditions:
 - A. Licensee's license to practice naturopathic medicine is hereby limited as follows: Licensee may not prescribe, administer, dispense or order any controlled substance for which registration with the federal Drug Enforcement Agency is required from the effective date of this order;
 - B. Licensee's license to practice medicine will be revoked if found in violation of subsection 1 (A) of this Consent Order.
 - C. Licensee shall comply with the statutes, rules and orders of the Board.
4. Licensee agrees the Board may enter the Consent Order set forth below.
5. 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.
6. Licensee acknowledges that he has had the opportunity to seek the advice of legal counsel. Licensee further acknowledges that he understands and agrees to the terms of this Order.
7. Licensee understands that 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.
8. The parties acknowledge that this Settlement Agreement and Consent Order is a public document.

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

IT IS SO STIPULATED.



SIGNATURE ON FILE

Robert J. Schwartz, N.D.

5/7/18

Date

CONSENT ORDER

The Board issues the following final order:

1. Licensee shall be on probation for ten years from the date of signature of this order, with the following conditions:
 - A. Licensee's license to practice naturopathic medicine is hereby limited as follows: Licensee may not prescribe, administer, dispense or order any controlled substance for which registration with the federal Drug Enforcement Agency is required from the effective date of this order;
 - B. Licensee's license to practice medicine will be revoked if found in violation of subsection 1 (A) of this Consent Order.
 - C. Licensee shall comply with the statutes, rules and orders of the Board.

DATED this 2 day of May 2018.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

SIGNATURE ON FILE

Mary-Beth Bapfista, Executive Director