

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Vanessa Esteves, N.D.,

Licensee.

Case No. 15-03-06

Settlement Agreement and 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. Vanessa Esteves, N.D. (Licensee) is a licensed naturopathic physician in Oregon, and is subject to the jurisdiction of the Board.

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.

SETTLEMENT AGREEMENT

1. The Board and Licensee stipulate to the following:

A. Prescribing Outside the Formulary

Patient A established care with Licensee on or about February 14, 2012, having previously been under the care of a Family Nurse Practitioner in the same clinic. Licensee prescribed 100mg of Seconal Sodium (secobarbital sodium) to Patient A as a sedative (for sleep), from between 10 to 30 tablets per month, from April 5, 2012 through at least March 17, 2015.

Secobarbital sodium is a barbiturate. Barbiturates are not included on the naturopathic formulary compendium and are excluded from the compendium for use as a sedative. By prescribing a barbiturate and prescribing it as a sedative, Licensee prescribed off the naturopathic formulary, in violation of ORS 685.110(10), ORS 685.990(2), OAR 850-050-0010(1)(a)(D)

2. Licensee agrees the Board may enter the Consent Order set forth below, including the following terms and conditions:
 - A. Civil penalties in the total amount of thirty thousand dollars (\$30,000); twenty thousand dollars (\$20,000) suspended and to be forgiven upon successful completion of the probation term referenced below. Should Licensee fail to successfully complete the conditions of the probation described below, all \$30,000 in civil penalties shall become due and payable immediately.
 - B. Three years of probation with the following conditions:
 - i. Licensee's prescription rights are restricted. Licensee's is prohibited from prescribing Schedule II, IIN, III, or IIIN for a period of six months from the effective date of signature of this Order. The Board may extend the period of suspension if Board review of patient charts and PDMP records indicate noncompliance;
 - ii. In addition to annually required continuing education requirements, Licensee shall complete seventeen (15) additional hours of continuing education as follows:
 - a. Six (6) hours related to pain management
 - b. Six (6) hours related to recognizing drug addiction / caring for patients with drug addiction.
 - c. Three (3) hours related to managing difficult patients.

iii. As part of the annually required continuing education requirements, Licensee shall complete two (2) hours related to best practices in medical charting.

iv. Licensee shall submit to the Board a quarterly prescription log of any and all prescriptions written for any substance listed on the Federal Drug Enforcement Agency's Schedules II through V during that quarter, within 15 days of the end of the quarter, for three years following the effective date of this Order;

v. Licensee shall submit five (5) patient charts, chosen by the Board or Board representative, for review by a Board approved reviewer. Licensee shall be responsible for any professional fees or expenses associated with the quarterly reviews.

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

C. 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.

D. 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.

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

F. 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

3/27/2018 | 12:54 PM PDT

Vanessa Esteves, ND

Date

CONSENT ORDER

The Board issues the following final order:

1. Civil penalties in the total amount of thirty thousand dollars (\$30,000); twenty thousand dollars (\$20,000) suspended and to be forgiven upon successful completion of the probation term referenced below. Should Licensee fail to successfully complete the conditions of the probation described below, all \$30,000 in civil penalties shall become due and payable immediately.

2. Three years of probation with the following conditions:
 - A. Licensee's prescription rights are restricted. Licensee's is prohibited from prescribing Schedule II, IIN, III, or IIN for a period of six months from the effective date of signature of this Order. The Board may extend the period of suspension if Board review of patient charts and PDMP records indicate noncompliance;

 - B. In addition to annually required continuing education requirements, Licensee shall complete seventeen (17) additional hours of continuing education as follows:
 - i. Six (6) hours related to pain management
 - ii. Six (6) hours related to recognizing drug addiction / caring for patients with drug addiction.
 - iii. Three (3) hours related to managing difficult patients.

 - C. As part of the annually required continuing education requirements, Licensee shall complete two (2) hours related to best practices in medical charting.

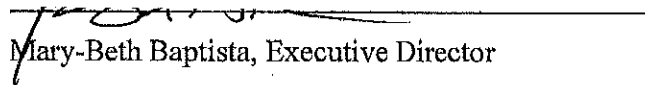
 - D. Licensee shall submit to the Board a quarterly prescription log of any and all prescriptions written for any substance listed on the Federal Drug Enforcement Agency's Schedules II through V during that quarter, within 15 days of the end of the quarter, for three years following the effective date of this Order;

- E. Licensee shall submit five (5) patient charts, chosen by the Board or Board representative, for review by a Board approved reviewer. Licensee shall be responsible for any professional fees or expenses associated with the quarterly reviews.
- F. Licensee shall comply with the statutes, rules and orders of the Board.

DATED this 26 day of March 2018.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

SIGNATURE ON FILE


Mary-Beth Baptista, Executive Director