

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Ann Arouh, N.D.

Licensee.

Case No. N15-09-22

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

The Board issued a Notice of Proposed Disciplinary Action to Licensee on or about February 1, 2017. Licensee was provided the opportunity to request a hearing on the Notice. In lieu thereof, 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 finds and Licensee stipulates to the following:

A. Licensee did not adhere to recognized community guidelines for chronic and acute, non-cancer pain management. In prescribing Patient GS Licensee pain medications, Licensee did not properly account for risk factors, signs of drug diversion, current symptoms, or changes in medical condition while she prescribed and continued to refill prescriptions. Licensee prescribed Patient GS with high quantities of prescription medications, including opiates, for over a year and on multiple occasions based on phone consultations, and despite the demonstration by Patient GS of behaviors

indicating a risk of prescription drug seeking behavior. Based on this conduct, 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).

- B. Licensee did not adhere to community standards and opioid prescribing guidelines that establish how to manage patients with evidence of opioid diversion, and Licensee did not consider the risk to her patient when she became aware Patient GS was receiving medications from other sources while Licensee was prescribing medications to him. By failing to discontinue prescribing Patient GS even though Licensee had actual knowledge that Patient GS was obtaining multiple, simultaneous prescriptions from multiple providers, Licensee created a danger to public health and safety, in violation of ORS 678.110(14).
- C. Licensee did not prepare or maintain accurate or complete patient charts. Licensee acknowledges that a naturopathic physician must maintain complete accurate patient charts to ensure a patient receives proper care from his or her treating naturopath and from a subsequent health provider.
 - i. On or about May 16, 2016, Licensee was asked why there were no diagnosis, treatment plans, labs, etc. in her charting. Licensee replied that most of her patients diagnosis were available in their prior records and with regard to charting, Licensee stated that she was used to charting as a homeopathic during her extended period of time away from Oregon. When asked what other providers would be able to determine about her patients should they transfer care, Licensee replied that her preference would be to talk to the new provider and give them the information that was not included in the charts. The above conduct is in violation of ORS 685.110(8), (14) and OAR 850-050-0190(3).

- ii. On or about June 29, 2015, when Licensee's chart notes indicate she spoke with a pharmacist and Patient GS, and wrote a prescription for Oxycodone 10mg, 32# to last through July 6, 2015. However, the chart notes do not indicate a reason for issuing the prescription. The above conduct is in violation of ORS 685.110(8), (14) and OAR 850-050-0190(3).
- iii. On February 16, 2015, chart notes by Licensee indicated Patient LM needed a lab order and prescriptions for Alprazolam 1mg and Meprobamate 2.0mg. No quantity was indicated. According to Patient LM's PDMP report, no prescriptions were written on this date. By failing to chart the amount of drugs prescribed and a treatment plan and/or date by which to make the lab order in regard to Patient LM, Licensee committed charting omissions in violation of ORS 685.110(8) and OAR 850-050-0190(3).

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 five thousand dollars (\$5,000); with \$2,500 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 term described below, all \$5,000 in civil penalties shall become due and payable immediately. Licensee shall contact the Board within 15 days of the effective date of the Final Order in this matter to determine a payment plan for payment of fees imposed.
- B. Five-years' probation with the following conditions:
 - i. Following the effective date of the Final Order in this matter, Licensee's prescription rights is restricted. Licensee's is prohibited from prescribing

Opiates and / or Benzodiazepines for a period of four years from the effective date of the Final Order in this matter.

- ii. Licensee will submit 10 patient charts, for patients she is actively prescribing, per quarter, to the Board for review. Licensee shall incur the costs of chart review.
- iii. Licensee shall comply with all statutes, rules and orders of the Board.

D. In addition to the Board's regular continuing education requirements, Licensee must obtain and submit directly to the Board, 35 Continuing Education Credits (CE) in addition to the Licensee renewal requirements as follows:

- i. Within the first year of probation, Licensee must complete 15 additional hours of CB; 10 CE in general charting, and 5 specific to patient record keeping on current software used.
- ii. Licensee must obtain an additional 5 CE credits relating to charting, per year, for the four remaining years of probation

3. 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.
4. Licensee acknowledges that she has had the opportunity to seek the advice of legal counsel. Licensee further acknowledges that she understands and agrees to the terms of this Order.
5. 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.

6. The parties acknowledge that this Settlement Agreement and Consent Order is a public document.
7. 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

Name _____

February 24, 2018

Date

CONSENT ORDER

For the foregoing violations, the Board issues the following order:

1. Civil penalties in the total amount of five thousand dollars (\$5,000); with \$2,500 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 term described below, all \$5,000 in civil penalties shall become due and payable immediately. Licensee shall contact the Board within 15 days of the effective date of the Final Order in this matter to determine a payment plan for payment of fees imposed.
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 - A. Following the effective date of the Final Order in this matter, Licensee's prescription rights are restricted. Licensee's is prohibited from prescribing Opiates and / or Benzodiazepines for a period of four years from the effective date of the Final Order in this matter.
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- i. Within the first year of probation, Licensee must complete 15 additional hours of CE; 10 CE in general charting, and 5 specific to patient record keeping on current software used.
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DATED this 15 day of February 2018.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

/S/

Mary-Beth Baptista, Executive Director