BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:	Case No. N16-10-32
Susan Allen, N.D.,	**SETTLEMENT AGREEMENT AND CONSENT ORDER**
Licensee	

1.

The Board of Naturopath Medicine (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon. Susan Allen, N.D., (Licensee) is a licensed naturopathic physician in the State of Oregon and is subject to the jurisdiction of the Board.

Licensee was provided the Board's proposed discipline through correspondence between the Executive Director and her attorney on or about November 8, 2017. The parties desire to settle this matter without hearing, appeal or judicial review, by entering into this Settlement Agreement and Consent Order, pursuant to ORS 183.417(3) on the terms set forth below.

2.

In 2017, the Board adopted Oregon Opioid Prescribing Guidelines. The Board finds opiates are commonly prescribed for short-term, acute conditions. Long term opiate use carries a risk of abuse or addiction. Long term prescription of opiates requires a higher degree of assessment, screening, documentation and record keeping to mitigate this risk. Patients should be pre-screened for risk of opioid abuse, multi-drug use, and other risk factors. Pain progress should be monitored and re-assessed on a monthly basis. Periodic

physical exams, blood and/or urine chemistry should be performed to assess toxicity risks and screen for compliance and multi-drug use.

3.

FINDINGS

The Board reviewed Licensee's records for six patients between the years 2008 and 2016. Review of these records revealed instances of improper opioid and/or benzodiazepine management, and inadequate charting, including but not limited to:

A. Patient A. Licensee did provide a timely responses and did not adequately chart her responses to Portland Metro Treatment Center (Center) regarding their concerns Licensee was prescribing Patient A benzodiazepines in combination with their Methadone prescriptions. Licensee told the Center she would reduce Patient A's dosage, but did not adequately monitor the patient's withdrawal with drug screens or chart her tapering process with the patient.

B. The above conduct regarding Patient A, constitutes a violations of ORS 685.110(8), committing negligence related to the practice of naturopathic medicine, and ORS 685.110(14) engaging in any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might adversely affect a physician's ability [to] safely and skillfully to practice naturopathic medicine. This conduct also constitutes a violation of OAR 850-050-0010(1)(c)(A) – Negligent Prescribing, OAR 850-050-0010(c)(B) – Negligent Treatment, OAR 850-050-0010(1)(c)(C) – Conduct contrary to the recognized standards of ethics.

C. Patient B. Licensee prescribed opioids to Patient B while Patient B was concurrently using marijuana and/or benzodiazepines. During Patient B's treatment, Licensee did not screen for drug abuse potential or multi-drug use. Licensee prescribed

medications without routine urine drug monitoring and without properly documenting her review of the PDMP.

D. The aforementioned conduct involving Patient B constitutes a violation of ORS 685.110(8)- Committing negligence related to the practice of naturopathic medicine and OAR 850-050-0010(1)(c)(B) – Negligent Treatment.

E. Patient C: Licensee increased the dosage of Patient C's medication, resulting in a MED increase from 180 to 240. There is no record of Licensee making objective findings for pain for Patient C to support the increase in dosage, nor is there any other supporting documentation, constituting a violation of OAR 850-050-0010(1)(c)(A) – Negligent Prescribing.

F. Patient D. Between 2010 and 2016, Licensee made inadequate chart notes to document objective findings prior to writing multiple prescriptions to Patient D, constituting violations of OAR 850-050-0010(1)(a)(B) – Inadequate Charting, and OAR 850-050-0010(1)(c)(A) – Negligent Prescribing.

G. Patient F. Licensee prescribed Patient F Hydrocodone-Acetaminophen related to Patient F's knee pain and subsequent double knee replacement surgery, but failed to indicate in her chart the correlation for the prescription, constituting a violation of OAR 850-050-0010(1)(a)(B) – Inadequate Charting.

4.

SETTLEMENT AGREEMENT

A. The Board finds the violations based on the findings above, and the Licensee denies the allegations and proposed violations, but Licensee agrees that the Board may enter the Consent Order.

B. Licensee enters into this Settlement Agreement and the following Consent Order voluntarily and without any force or duress. Licensee acknowledges the Board

and its staff have not made promises or representations not stated herein to induce her to sign this document and agrees to the issuance of the Consent Order.

C. Licensee acknowledges she has had the opportunity to seek the advice of legal counsel and understands and agrees to the terms of the Consent Order.

D. Licensee acknowledges her 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.

E. Licensee understands 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.

F. Licensee acknowledges this Settlement Agreement and Consent Order is a public document.

G. Licensee acknowledges this Settlement Agreement and Consent Order shall take effect on the date it is signed by the Board.

5.

CONSENT ORDER

The Board issues the following order:

A. Civil penalties in the total amount of fifteen thousand dollars ($15,000), with fifteen thousand dollars ($15,000) suspended, and to be forgiven upon successful completion of the probation term referenced in B below. Should Licensee fail to successfully complete the conditions of the probation term described below, all $15,000 in civil penalties shall become due and payable immediately.

B. Three (3) years of probation, with the following conditions:

a. Licensee shall complete 10 hours of continuing education, in addition to those required for Licensure. Licensee shall submit directly to the Board proof of completion of the following:

   i. Five (5) hours of continuing education focused on responsible prescribing practices of opioids;

   ii. Five (5) hours of continuing education focused on pain management.

b. Licensee, at her own expense, shall bi-annually submit 10 patient charts, chosen by the Board at random, directly to the Board (or Board designee), for review within 30 days of the last day of the sixth month.

c. Licensee shall comply with the statutes, rules and order of the Board.

d. 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.

e. 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.

DATED this 9 day of March, 2018.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

SIGNATURE ON FILE

Mary-Beth Baptista
Executive Director

SIGNATURE ON FILE

Susan Allen, ND

3/7/2018
Date