

**BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON**

In the Matter of the License of:

Sweeney, Ryan, ND

Case No. 17-12-164

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

2.

Licensee and the Board desire to settle this matter by entry of this Settlement Agreement and Consent Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of, and entry of, this Order in the Board's records. 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

The Board finds, the Licensee denies, but the parties agree to enter the following agreement for the purpose of settlement:

3.

The Oregon Board of Naturopathic Medicine received a complaint on December 15, 2017, Licensee. The complaint enumerated concerns regarding Licensee prescribing of controlled substances and inadequate charting for Patient A.

4.

Patient A presented to Licensee in the spring of 2016 with prior prescriptions for opiates and benzodiazepines. Per Licensee's PDMP record, he regularly prescribed both opiates and benzodiazepines to Patient A from April 2016 through October 2017.

5.

The Board found the following deficiencies in Licensee chart notes for Patient A from March 2016, through October 2017, constitute a violation of 850-050-0010(1)(a)(B) Inadequate Charting.

- 1) No documentation showing pain, opiate or controlled substance agreement with Patient A
- 2) No material risk notice mentioned or provided.
- 3) No warnings documented regarding mixed usage of opiates and benzodiazepines.
- 4) No documentation or mention of medication levels being calculated.
- 5) No documentation of any Prescription Drug Monitoring Program (PDMP) to check if Patient A was getting prescriptions from other providers.
- 6) No urine checks were performed.
- 7) No opiate screening or controlled substance questionnaires were completed.
- 8) With the exception of the chart note written for Patient A's appointment on March, 8, 2016, physical examinations in the chart notes are the same for the subsequent nine (9) appointments from April 2016 – August 2017.

6.

Licensee agrees that the Board may enter the Consent Order set forth below, including the following terms and conditions:

A. Probation: One-year of probation.

B. Civil Penalty: \$5,000 civil penalty imposed; \$2,500 to be paid in monthly increments of \$208.33 from the date of this order, \$2,500 waived with successful completion of Licensee's probation. If Licensee is found in violation of probation, the Board may impose and demand immediate payment in full of the remaining \$2,500.

C. Continuing Education: In addition to the Board's regular continuing education requirements, Licensee shall complete an additional 10 hours of continuing education approved by the Board, focused on chronic

opioid management, with at least one hour in Substance Use Disorder within 11 months of signature on this order.

D. Chart Review: Per administrative instructions, Licensee will quarterly submit to the Board five patient charts for patients Licensee is actively prescribing controlled substances for the duration of probation.

E. Licensee enters into this Settlement Agreement and Consent Order voluntarily. Licensee states that the Board and Board staff have not made promises or representations not stated herein to induce to signing this document and agreement to issuance of the Order.

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

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

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

I. 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.

IT IS SO STIPULATED:


[Redacted Signature] _____
Ryan Sweeney, ND

12/09/19
Date

CONSENT ORDER

The Board issues the following final order:

1. Probation: Licensee is placed on one-year of probation.

2. Civil Penalty: \$5,000 civil penalty imposed; \$2,500 to be paid in monthly increments of \$208.33 from the date of this order, \$2,500 waived with successful completion of Licensee's probation. If Licensee is found in violation of probation, the Board may impose and demand immediate payment in full of the remaining \$2,500.

3. Continuing Education: In addition to the Board's regular continuing education requirements, Licensee shall complete an additional 10 hours of continuing education approved by the Board, focused on chronic opioid management, with at least one hour in Substance Use Disorder.

4. Chart Review: Per administrative instructions, Licensee will submit five charts quarterly for patients Licensee prescribes controlled substances.

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

DATED this _____ day of _____ 2019.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

Mary-Beth Baptista, Executive Director