

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Juniper Martin, N.D.,

Licensee.

Case No. N 18-10-42

Final Order by Default

REPRIMAND

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

The Board sent via certified mail a Notice of Proposed Disciplinary Action to Licensee on or about October 3, 2019. Licensee signed certification on or about October 10, 2019. The notice informed Licensee of the right to request a hearing within 21 days. The notice informed Licensee that in the event the Board issues a final order by default, the Board designates its file on this matter for purposes of proving a *prima facie* case. The Board has not received a hearing request from Licensee. On December 9, 2019, the Board voted to issue this Final Order by Default.

NOW, THEREFORE, after consideration of the relevant records and files of the Board relating to this matter, the Board enters the following Findings of Fact, Conclusions of Law, and Final Order:

Findings of Fact

1. Dr. Juniper Martin has been a licensed Naturopathic Physician in the State of Oregon since May 2008.
2. Dr. Martin saw patient A. for an office visit on June 12, 2018 for speech and diagnosis delays. A.'s assessment indicated auditory processing disorder and speech delays. A chart note from the visit states "Consider Genesight test."
3. Per Dr. Martin, patient's mother took a "23 & Me" genetic test and learned she had the MTHFR (Methylenetetrahydrofolate reductase) gene mutation and mother was concerned she

passed the mutation onto patient A. Dr. Martin suggested A. take a “Genesight test” to determine if A. had the gene mutation because it required less of a saliva sample than the “23 & Me” test.

4. Dr. Martin collected a buccal sample from A. during an office visit on July 18, 2018. The sample was used to perform a “Genesight test” on July 31, 2018.

5. Per A.’s “Patient Medical Record Information” submitted to Genesight, Dr. Martin diagnosed A. with refractory moderate to severe depression; migraine without aura; ADHD; major depressive disorder, recurrent, moderate; anxiety disorder, unspecified.

6. Dr. Martin stated she could not, and did not diagnosis, A. with refractory moderate to severe depression; migraine without aura; ADHD; major depressive disorder, recurrent, moderate; anxiety disorder, unspecified, as listed in his “Patient Medical Record Information” sheet submitted to “Genesight” because he was too young.

7. Dr. Martin stated a “Genesight” representative told Dr. Martin to fill out and submit the “Patient Medical Record Information” with afore stated diagnoses so all of the test parameters could be run. Dr. Martin stated she listed the diagnoses on A. “Patient Medical Record Information” and submitted that form per the recommendation of the “Genesight” representative.

Conclusions of Law

Dr. Martin listing false diagnoses on A.’s “Patient Medical Record Information” and submitting that form with the false information to “Genesight” for the purposes of conducting a genetic test is a basis for discipline under ORS 685.110 (14) (“Engaging in any conduct or practice contrary to a recognized standard of ethics of the profession * * *”) and 685.110 (23) (Violating any provision of this chapter or rules adopted by the Board). The relevant recognized standard of ethics of the profession and rule that was violated is OAR 850-050-0010(1)(b)(C, the failure to act in accordance with the American Association of Naturopathic Physicians Code of Ethics as adopted by the Board, specifically the provision in the American Association of Naturopathic Physicians Code of Ethics that states

Honesty – A naturopathic physician shall conduct himself or herself in an honest manner; shall not represent him or herself to patients or the public in an untruthful, misleading, or deceptive manner; and shall not engage in advertising that is false or deceptive.”

The false diagnoses listed on the “Patient Medical Record Information” constitutes conduct in

violation of these recognized standards of ethics as Dr. Martin's listing of the false diagnoses on the form was untruthful, misleading and deceptive, and therefore a basis for discipline under ORS 685.110(14),(23) and OAR 850-050-0010(1)(b)(C).

Final Order

The Board hereby orders that Licensee be REPRIMANDED for the violations described above.

DATED this _____ day of _____ 2019.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

Mary-Beth Baptista, Executive Director

NOTICE OF RIGHT TO JUDICIAL REVIEW

You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is in accordance with ORS 183.482(1) to the Oregon Court of Appeals.