

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Case No. 19-07-09

Thomas Abshier, ND

**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. Dr. Thomas Abshier ND (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, licensee denies, but the parties agree to enter the following agreement for the purpose of settlement:

3.

Patient A was referred to Licensee in 2010, when Patient A's doctor retired. At the time of referral, Patient A was being prescribed opioids and benzodiazepines by their previous provider. Licensee continued the prescriptions.

4.

Per Patient A's Prescription Drug Monitoring Program (PDMP) report, Licensee wrote the following prescriptions for Patient A from 01/01/18 through 6/30/19:

- 1) Hydrocodone-Acetaminophen 10-325 84 pills for 7 days 120 mme
- 2) Alprazolam 1 mg tablet 4 per day
- 3) Clonazepam 1 mg tablet 2 per day (this prescription was written and filled sporadically)

5.

Per Licensee's PDMP report, Licensee did not check PDMP to determine Patient A's prescriptions from 01/01/18 through 06/30/19. The PDMP report showed that Licensee did not check PDMP for any patient during that time frame.

6.

Per Patient A's medical records, Licensee did not conduct urine drug screens from 01/01/18 through 06/30/19.

7.

Prescribing Hydrocodone-Acetaminophen, Alprazolam, and Clonazepam together are contraindicated.

8.

Per Patient A's medical records, on September 28, 2018, Providence Health Plan wrote Licensee a letter informing him that the medication levels he was prescribing to Patient A was dangerous and out of recommended guidelines. Licensee did not document in Patient A's medical records that Licensee discussed with Patient A this letter or the danger of taking opioids and benzodiazepines together.

9.

Per Patient A's medical records, Licensee did not have Patient A sign a pain contract, controlled substance agreement or material risk notice, nor did he begin the tapering process for Patient A until after being informed of the Board investigation by way of subpoena (received August 16, 2019) for medical records.

10.

The Board found the following deficiencies in Licensee prescribing practice for Patient A from 01/01/18 through 06/30/19, each constitute a violation of OAR 850-050-0010(1)(c)(A): Negligent Prescribing.

1. Prescribing Hydrocodone-Acetaminophen, Alprazolam, and Clonazepam together.
2. Licensee did not document that he discussed with Patient A the danger of taking opioids and benzodiazepines together.
3. Licensee did not conduct urine drug screens.
4. Licensee did not check Patient A's prescriptions on PDMP.
5. Licensee was informed on or about September 28, 2018, by Providence Health Plan that the medication levels he was prescribing to Patient A was dangerous and out of recommended guidelines, but Licensee did not begin the tapering process until on or about August 21, 2019.
6. Licensee did not have Patient A sign a patient pain contract or a controlled substance agreement until August 28, 2019. Licensee did not have patient sign a material risk notice until August 30, 2019.

11.

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

A. 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

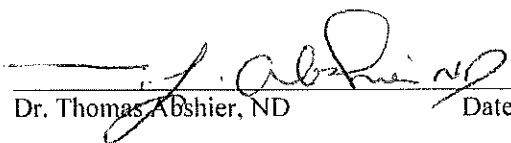
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signing this document and agreement to issuance of the Order.

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

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

IT IS SO STIPULATED:



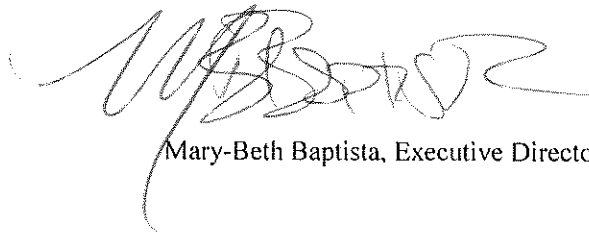
Dr. Thomas Abshier, ND Date 3/16/2020

CONSENT ORDER

The Board issues the following final order: Reprimand

DATED this 25 day of Mar 2020.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon



Mary-Beth Baptista, Executive Director