

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

James Z. Said, D.C. N.D.,

Licensee.

Case No. 19-12-17

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 or Oregon Revised Statutes (ORS) chapter 685 and Oregon Administrative Rules (OAR) chapter 850. James Z. Said, N.D. (Licensee) is a licensed naturopathic physician in Oregon, and is subject to the jurisdiction of the Board.

On or about September 22, 2020, the Board sent Licensee a Notice of Proposed Disciplinary Action and Opportunity for Hearing via certified mail. 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. Licensee responded to the Notice on September 28, 2020, via email. Licensee acknowledged he received the Board's Notice of Proposed Disciplinary Action and Opportunity for Hearing, dated September 22, 2020." Licensee did not request a hearing in the September 28, 2020, email, Licensee provided additional facts regarding his case.

On or about October 2, 2020, the Board sent an Amended Notice of Proposed Disciplinary Action and Opportunity for Hearing, via certified mail. The Amended Notice informed Licensee of the right to request a hearing within 21 days. The Amended 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. Licensee's designee signed the Amended Notice on or about Oct. 5, 2020. Licensee sent, and the Board received, one email acknowledging the receipt of the Amended Notice on or about Thursday, October 15, 2020. Licensee did not request a hearing in this response email. Licensee asked to speak to the Board at a subsequent meeting to "resolve the issue"

On or about October 16, 2020, Board sent a response to Licensee's October 15, 2020 email, directing Licensee to "[p]lease review your notice of proposed discipline, with particular attention to the basis for the finding of violation, the alleged violation of administrative rule, and process for appeal."

The Board did not receive a response from Licensee to the Board's October 16, 2020 email. The Board did not receive a request for a hearing to contest the proposed discipline as explained and provided in the Amended Notice by October 26, 2020, the end of the 21 day period.

As a courtesy, on November 12, 2020, the Board sent Licensee an email extending the 21 days to request a hearing for an additional 7 days. The email clearly stated that "[i]f the Board does not receive an unequivocal response in which you clearly request a hearing on the allegations and findings in the aforementioned Notice by **Friday, November 20, 2020 by 10am**, the Board will enter a final order by default of Reprimand." (*Emphasis included*)

To date, the Board has not received a request for a hearing from Licensee. The Board issues 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.

Licensee is dually licensed in the State of Oregon as both a Chiropractor and a Naturopathic Physician. The Licensee owns and operates a clinic, at 836 East Main Street, Suite 5, in Medford, Oregon. This business provides chiropractic and naturopathic care to patrons.

2.

Licensee acknowledged that he allowed his wife to provide massages without a license to his patients at the aforementioned clinic for a significant period of time that included the years 2017 and 2018, through April 2019. Licensee, knew his wife did not have a license from the Oregon Board of Massage Therapists, or any other license to perform massage. Licensee believed his wife was acting under his license as a Chiropractic Physician.¹

3.

Licensee's wife was not licensed with this Board or any other Oregon health professional regulatory board. Licensee was aware of her lack of licensure and allowed her to massage people / patients at his clinic.

Conclusions of Law

4.

The afore stated behavior and facts constitute a violation of OAR 850-050-0010(1)(c)(F): Aiding or abetting unlawful practice by an unlicensed person.

¹ Licensee has also been disciplined for this conduct by the Oregon Board of Chiropractic Examiners.

5.

Based on the aforementioned conduct and admissions, Licensee is in violation of OAR 850-050-0010(1)(c)(F): Aiding or abetting unlawful practice by an unlicensed person.

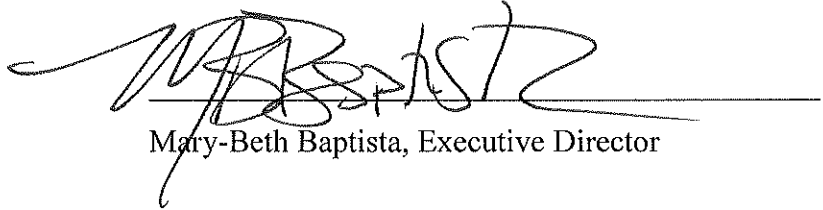
Final Order

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

DATED this 9 day of Dec 2020.

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.