

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Dr. Katherine Hofmann, N.D ,

Licensee.

Case No. 22-07-26

**CONSENT ORDER AND SETTLEMENT
AGREEMENT**

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

2.

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. The Board finds, Licensee denies, but stipulates to the following:

3.

Licensee was an employee of Ancora Wellness from Oct 4, 2021- May 12, 2023. Licensee provided the owner of Ancora with two-weeks' notice she was leaving the clinic. After providing notice, Licensee, and Ancora owner discussed a care plan for patient's Licensee treated after her departure. Owner did not state or indicate Licensee had the option of taking patients she treated while at Ancora Wellness to her new place of employment. Per the employee manual, Ancora Wellness would refer patients Licensee treated to Licensee's new clinic per patient's request.

4.

All Ancora patients signed privacy and informed consent documents affirming their doctor patient relationship was with Ancora Wellness. All clinical documentation for the clinic was held in Practice Better, a cloud based electronic health record (EHR), paid for by Ancora Wellness.

5.

On or about May 2nd, per the Practice Better EHR activity log, Licensee downloaded approximately twenty-four patients' medical records: including chart notes and client informed consent forms. No Ancora Wellness patient, including the approximately twenty-four patients whose medical files Licensee downloaded, requested referral to Licensee's practice. No Ancora Wellness patient, including the approximately twenty-four patients whose medical files Licensee downloaded, requested, or signed a Release of Medical Information Form.

6.

This conduct is a violation of Oregon Administrative Rule 850-050-0190 (3) Engaging in conduct or practice contrary to the Code of Ethics of the American Association of Naturopathic Physicians as adopted by the Board; Section 8(a), (b) and (c)

SETTLEMENT AGREEMENT

7.

The Board finds, and the Licensee denies the findings of facts and conclusions of law regarding the violations referenced in this settlement agreement and consent order. Licensee agrees the Board may enter the Consent Order set forth below, including the following terms and conditions:

A. Reprimand

B. Continuing Education - Four (4) continuing education classes related to HIPAA privacy and security. Licensee will be given credit for courses completed in 2023 upon Board approval of the certificates of completion of those courses.

C. Civil Penalty - \$2500, due within 90 calendar days of signature on this Order.

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

E. 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.

F. Licensee enters into this Settlement Agreement and Consent Order voluntarily and without any force or duress. Licensee states that the Board and Board staff have not made promises or representations not stated herein to induce her to sign this document and agree to issuance of the Order.

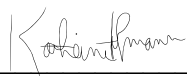
G. Licensee acknowledges that she had the opportunity to seek the advice of legal counsel. Licensee further acknowledges that she understands and agrees to the terms of this Order.

H. Licensee understands that 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.

I. The parties acknowledge that this Settlement Agreement and Consent Order is a public document.

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

IT IS SO STIPULATED.



Licensee

4/8/24

Date

CONSENT ORDER

The Board issues the following order:

A. Reprimand

B. Continuing Education - Four (4) continuing education classes related to HIPAA privacy and security. Licensee will be given credit for courses completed in 2023 upon Board approval of the certificates of completion of those courses.

C. Civil Penalty - \$2500, due within 90 calendar days of signature on this Order.

DATED this _____ day of _____ 2024.

BOARD OF NATUROPATHIC MEDICINE - State of Oregon

Mary-Beth Baptista, Executive Director