

## **NOTICE OF PROPOSED RULEMAKING**

CHAPTER 850

OREGON BOARD OF NATUROPATHIC MEDICINE

FILING CAPTION: Grounds for Discipline: Clarifying and organizing grounds for discipline in one rule.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/21/2026 8:00 AM

### **NEED FOR THE RULE(S):**

Need to clarifying and organizing grounds for discipline in one coherent rule, and add additional grounds for discipline based on passage of ORS 685.110.

### **DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Board meeting minutes and video of Board discussion on the Board website.

### **STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:**

The adoption of this rule will not affect racial equity in this state

### **FISCAL AND ECONOMIC IMPACT:**

This rule does not have a fiscal or economic impact.

### **COST OF COMPLIANCE:**

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The Board has the resources to absorb the minimal cost of compliance to this rule.

### **DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

The Board discussed this rule in open public sessions and noticed to the public.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?The Board discussed this rule in open public sessions and noticed to the public.

### **CONTACT:**

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AMEND: 850-050-0010

RULE TITLE: Grounds for Discipline

RULE SUMMARY: Clarifying and organizing grounds for discipline in one coherent rule, and additional grounds for discipline based on passage of ORS 685.110.

RULE TEXT:

(1) Practice Violations

(a) Practicing outside the scope of practice per ORS 685.030

(b) Prescribing medications not permitted per OAR Chapter 850 Division 60

(c) Prescribing medication or engaging in treatment without completing requirements and continuing education per OAR Chapter 850 Division 40 - Continuing Education

(d) rescribing medication in a manner that deviates from the naturopathic standard of care and creates an unreasonable risk of harm to a patient, whether or not harm occurred

(e) Engaging in treatment that deviates from the naturopathic standard of care and creates an unreasonable risk of harm to a patient, whether or not harm occurred

(f) Failure to create, maintain and retain medical records

(g) Failure to refer a patient upon termination, unless termination was the decision of the patient, referral was unsuitable, or licensee did not have reasonable opportunity to refer the patient.

(h) Failure to follow Public Health Laws

(i) Assisting, encouraging, or facilitating an unlicensed person to practice naturopathic medicine within the meaning of ORS 685.010, unless under the direct supervision of a licensee of the Board.

(j) Practicing naturopathy or naturopathic medicine within the meaning of ORS 685.010, without a license unless under the direct supervision of a licensee of the Board.

(2) Ethical Violations

(a) Failure to act in accordance with the American Association of Naturopathic Physicians Code of Ethics as adopted by the Board.

(b) Engaging in sexual misconduct

(A) Conviction, judgment, or finding of liability for any provision of ORS 163.305 through 163.465, Criminal Sexual Offenses

(B) Engaging in conduct with a patient that is sexual, or may be reasonably interpreted as sexual, whether initiated by the patient or not

(C) Any behavior, gesture, or expression that is sexually seductive or sexually demeaning to a patient, or any action that shows a lack of respect for the patient's privacy

(D) Entering into an intimate sexual relationship with a patient or with a former patient within six months after the doctor-patient relationship is terminated, unless a documented prior sexual relationship exists.

(c) Breaching doctor patient confidentiality, including but not limited to:

(A) Accessing patient records without a legitimate clinical or professional reason

(B) Failure to secure patient charts, whether physical or electronic

(C) Sharing patient information or patient records with staff, students, or providers not involved in the patient's care, or authorized by the patient.

(d) Making misleading, deceptive or untruthful representations or statements, to or during:

(A) Board investigation, or in response to a Board request

(B) Submission of licensure materials, renewal application, or continuing education application or reporting

(C) Patients or the public related to licensee credentials, designations

(D) Patients or the public related to naturopathic medicine.

(E) Patients or the public in advertising or marketing licensee's naturopathic services and skills

(e) Obtain or attempt to obtain a fee for services rendered or not rendered, whether or not the fee was obtained

(f) Making representations to patients or the public regarding cure or treatment for conditions of sickness, disease or injury licensee knows, or reasonably should know with due diligence are deceptive or untruthful

(g) Claiming superiority to or a greater skill than that possessed by fellow naturopathic physicians.

(h) Failure to comply with the duty to report and self-report to the Board

(3) Professional Violations

(a) Failure to provide a timely response to request for information from Board

(b) Failure to maintain accurate contact and required information with the Board

(c) Using impermissible professional designations and credentials

(4) Conduct that renders the applicant or licensee unfit to perform the duties of a naturopathic physician.

(a) Commitment to a mental health institution. A copy of the record of commitment, certified to by the clerk of the court entering the commitment, is conclusive evidence of the commitment.

(b) Habitual use of ardent spirits, narcotics, or other intoxicants to such an extent as to incapacitate him/her from the performance of his/her professional duties.

STATUTORY/OTHER AUTHORITY: ORS 685.125, ORS 685.110

STATUTES/OTHER IMPLEMENTED: ORS 685.110

