

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Jennifer Tuttle

Respondent

Case No. 23-05-24

**NOTICE OF PROPOSED DISCIPLINARY
ACTION AND
OPPORTUNITY FOR HEARING**

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. Jennifer Tuttle (Respondent) was a licensed naturopathic physician in Oregon from January 1, 2013, through December 31, 2023, and was subject to the jurisdiction of the Board under ORS 676.205(1).

2.

Pursuant to ORS 685.110 (21), 685.225, and OAR 850-050-0010(1)(c)(E), and ORS 183.745. The Board may propose to impose a civil penalty up to \$5000 per violation.

3.

On May 20, 2023, the Oregon Board of Naturopathic Medicine (OBNM) received an electronic complaint regarding Respondent and opened an investigation.

4.

On / about June 12, 2023, Investigator Doug Cook sent Respondent an investigation notification via certified mail to Ohana Health and Wellness, to the clinic address of record listed in the Board database. Cook enclosed a subpoena for medical records, with a due date of June 30, 2023. The Board is in receipt of the certified mail return receipt, signed by Dr. Tuttle on / about June 20, 2023. Dr. Tuttle did not provide the Board the required documents by June 30, 2023.

5.

Cook sent a second notification letter regarding the investigation to Respondent on December 5, 2023, to the email address of record listed in the Board database. The Respondent did not respond to the email and did not provide the subpoenaed medical records.

6.

Respondent did not renew her license during the 2023-2024 renewal period, and her license lapsed as of Jan. 1, 2024.

7.

To date Respondent has not communicated with the Board, did not provide the Board the subpoenaed records by the designated due dates, or thereafter. Respondent did not respond to the email and mail sent by Board staff regarding notices of investigation.

8.

Respondent's failure to provide records in response to Board subpoena, sent via certified mail on / about June 12, 2023, to the practice mailing address of record is a violation of ORS 685.110 (21) Failing to respond in a timely manner to a request for information regarding a complaint or the investigation of a complaint by the board and OAR 850-050-0010(1)(c)(E) Untimely response to Board investigation and the basis for discipline under ORS 110 (23).

9.

For the foregoing violations, the Board proposes the following discipline:
Civil Penalty - \$10,000 (\$5000 per violation).

10.

NOTICE OF OPPORTUNITY FOR HEARING

Licensee is entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183). If you want a hearing, you must file a written request for hearing with the Board within 21 days from the date this notice was mailed. You must submit request for hearing to either via email Naturopathic.Medicine@obnm.Oregon.gov or U.S. Mail to Oregon Board of Naturopathic Medicine, 800 NE Oregon Street, Suite 407, Portland, OR 97232. The request for hearing must be received by the Board within 21 days from the date of mailing of this notice and must be accompanied by a written answer to the charges contained in this Notice. If a request for hearing is not received within 21 days, the right to hearing is waived.

11.

If you request a hearing, you will be notified of the time and place of the hearing. Before the hearing, you will receive information on the procedures, right of representation, and other rights of parties related to the conduct of the hearing. An administrative law judge from the Office of Administrative Hearings will preside at any hearing. ORS 183.635.

12.

An answer is required to this Notice, pursuant to OAR 850-001-0015, due to the complexity of the matters alleged above. The answer shall be made in writing to the Board and shall include an admission or denial of each factual matter alleged in this Notice, and a short plain statement of each relevant affirmative defense Licensee may have. Except for good cause, factual matters alleged in this notice and not denied in the answer shall be presumed admitted; failure to raise a particular defense in the answer will be considered a waiver of such defense; and new matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency and evidence shall not be taken on any issue not raised in the Notice and answer.

13.

If you fail to request a hearing within 21 days, withdraw a request for a hearing, notify the Board or administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Board may issue a final order by default revoking your license. If the Board issues a default order, the contents of the Board's file automatically become part of the evidentiary record of this disciplinary action for the purpose of proving a prima facie case.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active-duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

DATED this 25 day of Nov 2024.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon



Mary-Beth Baptista, Executive Director