

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Dr. George “Luke” Gonzales,
Licensee.

Case No. 23-05-21

**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. Dr. George “Luke” Gonzales (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 established a doctor patient relationship with Patient in July 2017. Licensee began treating Patient with mental health therapy in / about April 2022, when Patient’s previous mental health doctor patient relationship ended abruptly, in part due to Patient not complying with boundaries established by former mental health practitioner.

4.

On May 10, Licensee assessed Patient with disorganized attachment style, insecure and avoidant combined. In adulthood, disorganized attachment can lead to difficulties in forming stable and secure relationships. Adults may also experience a heightened sense of vulnerability and a fear of abandonment in their relationships. This can cause them to display unpredictable behavior and make professional relationships more strained and challenging. Cognitive behavioral therapy (CBT) helps identify and change negative thought patterns while establishing healthier coping mechanisms. Accepted approaches for treating disorganized attachment is to create a safe environment where they feel heard and understood; show consistent and dependable behavior, especially when there’s conflict, and set healthy boundaries that protect both parties.

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5.

Licensee treated Patient with somatic therapy; a form of psychotherapeutic treatment that emphasizes the connection between the mind and body in healing. It uses physical methods, including movement, deep breathing, and relaxation exercises, to assist in the release of tension said to be held in the body due to emotional experiences and trauma from the past. Somatic therapy is based on the idea that our body retains memories of prior traumas, manifesting as changes in our posture, gestures, and body language. Somatic therapy attempts to alleviate stress and trauma-related symptoms by addressing these physical manifestations.

6.

Licensee and Patient corresponded through text messages immediately upon starting behavioral health therapy in / about April 2022. April through May, Patient and Licensee engaged in multiple text messages regarding treatment Patient received from other providers and lingering mental health effects. Licensee provided advice and treatment recommendations. Patient and Licensee exchanged texts and a phone call regarding Patient's boundary setting challenges with their prior therapist and discussed whether those boundaries were professional and ethical. Licensee did not chart all April and May text exchanges or phone calls that were therapeutic in nature.

7.

Patient and Licensee text exchanges increased in length and frequency in June through August, some lasting over several hours. Patient and Licensee texted about acute stressors and distress Patient was experiencing due to personal relationships and discussing excerpts from a blog about repairing a counselor / patient relationship. Licensee responded with therapeutic advice and insight. Patient and licensee had several follow up phone calls about the substance of the text messages. Licensee did not chart all text exchanges or follow up phone calls that were therapeutic in nature from June through August.

8.

In September and November, the intensity of Licensee and Patient's text exchanges escalated, were increasingly more therapeutic in nature, and primarily focused on their doctor patient relationship. Licensee recommended a book on mental health / therapy they read together, texting each other passages, discussing therapeutic insights and advice from the book. Patient and Licensee exchanged multiple texts regarding several different articles and blogs relevant to Patient's therapy, and Licensee responded with both health and therapeutic advice. Patient and Licensee also had frequent and regular follow up telephone calls in response to the text conversations. Licensee did not chart all text exchanges or telephone calls that were therapeutic in nature in September and November.

9.

In December, Patient and Licensee exchanged multiple texts regarding boundary setting in their doctor patient relationship and had several follow up phone calls regarding the substance of the texts. Licensee did not chart all the December texts or follow up phone calls that were therapeutic in nature. Licensee ended the doctor patient relationship with Patient in December 2022 but did not chart the basis or discussion.

10.

From the outset of their behavior health doctor patient relationship, Licensee was aware Patient had a medical history of not complying with doctor patient boundaries with prior mental health practitioners. Licensee did not set an initial boundary and expectation at the outset of their doctor patient relationship that texting should be limited to administrative topics during customary office hours, and therapeutic conversations should take place in the safety of a therapy session.

On May 10, Licensee assessed Patient with disorganized attachment style, insecure and avoidant combined. Accepted approaches for treating disorganized attachment is to create a safe environment, show consistent and dependable behavior and set healthy boundaries. When texting increased in frequency, e.g. late in the evening and weekends, and the therapeutic nature became more intense and complex, Licensee did not establish firm boundaries that discussions related to mental health / behavior help therapy should be discussed in treatment sessions, not through personal phone calls and text exchanges. This conduct violates the recognized standard of ethics of the profession, OAR 850-050-0010(1)(b)(C), the failure to act in accordance with the American Association of Naturopathic Physicians Code of Ethics as adopted by the Board, specifically:

4) Performance: A naturopathic physician shall perform professional tasks and responsibilities to the best of the naturopathic physician's ability, and standards of care and refrain from engaging in any behavior that will detract from his or her ability to engage in the competent practice of naturopathic medicine.

5) Obligation: The fundamental and primary obligation of a naturopathic physician is to the patient and the maintenance and improvement of the patient's health and wellbeing.

11.

Licensee and Patient corresponded through text messages immediately upon beginning mental health therapy in / about April 2022. Starting in June 2022 and continuing through December 2022, texting between Patient and Licensee sharply escalated, becoming lengthier and therapeutic nature. Many of the text exchanges lead to multiple follow up telephone conversations outside of in office therapy sessions. On several occasions from April – December 2022, Licensee did not chart the substance or occurrence of text threads or follow up conversations. Licensee ended the doctor patient relationship with Patient in December 2022, but did not chart the basis or discussion. This is conduct is a violation of 850-050-0010(1)(a)(B) Negligent Charting

SETTLEMENT AGREEMENT

12.

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. Probation: 24 months - within the first 90 days of probation, Licensee must complete the following:

1. Civil Penalty – 5k imposed, \$2,500 due within 90 days on the signature of this order. \$2,500 suspended and waived with successful completion of probation.
2. Create clinic protocol regarding abstaining from personal texting with patients, communication / messaging with patients through EHR, and charting messaging outside of clinic encounters. Licensee has complied with this term.
3. CE: Submit for Board approval and complete: Eight (8) hours doctor / patient boundaries, emphasis on boundaries with mental health treatment / patients. Four (4) hours charting. Licensee has complied with this term.

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

C. 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.

D. 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.

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

F. Licensee understands that he 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.

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

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

IT IS SO STIPULATED.

George Gonzales
George Gonzales (Sep 20, 2024 09:05 PDT)
Licensee

Sep 20, 2024
Date

CONSENT ORDER

The Board issues the following order:

Probation: 24 months - within the first 90 days of probation, Licensee must complete the following:

- Civil Penalty – 5k imposed, \$2,500 due within 90 days on the signature of this order. \$2500 suspended and waived with successful completion of probation.
- Create clinic protocol regarding abstaining from personal texting with patients, communication / messaging with patients through EHR, and charting messaging outside of clinic encounters. Licensee has complied with this term.
- CE: Submit for Board approval and complete: Eight (8) hours doctor / patient boundaries, emphasis on boundaries with mental health treatment / patients. Four (4) hours charting. Licensee has complied with this term.

DATED this 27 day of September 2024.

BOARD OF NATUROPATHIC MEDICINE - State of Oregon



Mary-Beth Baptista, JD, Executive Director