

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

PHILLIP GRASSO, N.D.,

Licensee.

Case Nos. N14-08-29

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

2.

The Board conducted an investigation based on two complaints received in regards to Licensee. Based on the results of the investigation and pursuant to ORS 685.110(1), ORS 685.110(14), ORS 685.110(16), ORS 685.110(21), ORS 685.990, OAR 850-050-0120(5), and OAR 850-050-00130, OAR 580-050-0190(3)(a), and OAR 850-050-0190(11), the Board hereby proposes to take disciplinary action against Licensee's license to practice naturopathic medicine, on the grounds described in the following paragraphs. For each violation, the Board may impose a civil penalty up to \$5,000, a term of probation, a letter of reprimand and license limitation, suspension or revocation.

3.

In the Board's case number N-14-08-29, the Board and Licensee entered into a Settlement Agreement and Consent Order ("Order"), which took effect on or about October 12, 2015. The Order is attached as "Exhibit A", and incorporated into this Notice by reference.

4.

Under the terms of the Order, Licensee was required to (i) pay civil penalties in the amount of ten thousand dollars (\$10,000), with five thousand dollars (\$5,000) suspended

pending compliance with the terms of probation; (ii) be on probation for three years; (iii) complete sixteen (16) additional continuing education hours in the first year of probation, specifically, eight (8) hours on pain management, and eight (8) hours on recognizing drug addiction/dealing with drug addicted patients; (iv) send patient charts to a reviewing naturopathic physician (ND), who is pre-approved by the Board, on a quarterly basis for three (3) years, and (v) maintain a daily prescription log for three years from the effective date of the Order.

5.

Licensee violated the terms of the Order by (i) failing to timely pay the assessed civil penalties; (ii) failing to obtain chart reviews; (iii) failing to complete the required continuing education, and (iv) failing to keep the required prescription log.

6.

Licensee's conduct in violation of the terms Order is unprofessional and dishonorable in violation of ORS 685.110(14), (24) and OAR 850-050-0190(3) and 4, and a practice that does or might constitute a danger to the health or safety of a patient or the public.

7.

Licensee's failure to fulfill the terms of the Order interferes with the Board's oversight of the naturopathic profession. Licensee's failure to obtain the additional education hours ordered by the Board placed patients and the public at risk of harm until compliance was achieved.

8.

Licensee committed these violations while on probation with the Board, which is an aggravating circumstance. Pursuant to ORS 685.110, Licensee's license is suspended until Licensee complies in full with the terms of the Order – including payment of all civil penalties currently outstanding. Licensee's probation term is also extended to five (5) years.

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9.

ORDER

A. Licensee shall pay a civil penalty of ten thousand dollars (\$10,000) and comply with all terms of the Order before he is reinstated.

B. Licensee will be on probation for five (5) years.

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 mail any request for hearing 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 becomes 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 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

DATED this _____ day of _____ 2017.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

COPY – ORIGINAL SIGNED ON / ABOUT 11/7/2017

Mary-Beth Baptista, Executive Director