

BEFORE THE
 BOARD OF NATUROPATHIC MEDICINE
 STATE OF OREGON

In the Matter of:) OAH Case 1001514/1001556
) Agency Case N09-05-10/ N09-09-15
) ALJ: Rick Barber
)
 ALAN A. KADISH, N.D.) **SETTLEMENT AGREEMENT**
) **AND CONSENT ORDER**
)
 _____)

The Board of Naturopathic Medicine (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon. Alan A. Kadish, N.D. (Licensee) is a licensed naturopathic physician currently practicing in Oregon.

The Board issued a Notice of Intent to Discipline and Opportunity for Hearing on October 19, 2009. This Notice was later assigned OAH case number 1001514. On January 25, 2010, the Board issued a second Notice of Intent to Discipline and Opportunity for Hearing. This Notice was later assigned OAH case number 1001556. Licensee timely requested a hearing on both notices. The Notice for case number 1001556 was amended on November 1, 2010. The Notice for case number 1001514 was amended on November 10, 2010.

The parties desire to settle these matters without any hearing, appeal or judicial review by entering this Settlement Agreement and Consent Order, pursuant to ORS 183.417(3).

SETTLEMENT AGREEMENT

The Board and Licensee agree to resolve these matters informally on the following terms:

1. Licensee stipulates that he advertised his practice in the Qwest Dex phone directory for Medford/Ashland under several practice area listings reserved for physicians (M.D. or D.O.) from 2006 through 2009. Licensee further stipulates that in 2008 and 2009, and on his website, he listed his Arizona license as a credential when his Arizona N.M.D. license expired in 2007.
2. Licensee stipulates that in at least 15 instances he violated ORS 685.110(21)

(2009) by representing that he is a medical specialist or practices a medical specialty and violated OAR 850-050-0190(6) by making untrue, improper, misleading, or deceptive statements in advertising.

3. Licensee stipulates that he treated Patient A in July 2009 and prepared to administer chelation therapy to Patient A when he did not have a current certification on file with the Board to use chelation therapy, in violation of OAR 850-060-0212(6) and ORS 685.110(14) (2009).

4. Licensee agrees the Board may enter the Consent Order set forth below.

5. Licensee enters into this Settlement Agreement and Consent Order voluntarily and without any force or duress. Licensee acknowledges that no promises or representation not stated herein have been made to induce Licensee to sign this Settlement.

6. 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.

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

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

CONSENT ORDER

The Board issues the following final order:

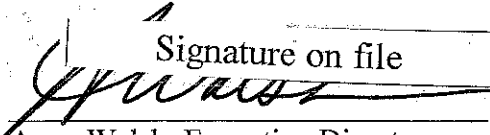
1. Licensee's license to practice naturopathic medicine shall be suspended for at least one calendar year, beginning February 1, 2011. The Board shall reinstate Licensee's license on or after February 1, 2012 if Licensee completes the conditions of probation set forth in paragraph 2 below.
2. Licensee shall be on probation for ten years from the effective date of this order with

the following conditions:

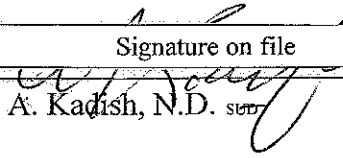
- a) Licensee shall complete the Board's continuing education requirements during his license suspension period as if his license were active;
 - b) Licensee shall complete twelve (12) additional hours of Board-approved continuing education specific to ethics, in addition to the hours required of all licensed naturopaths for license renewal, before the Board may lift the license suspension imposed under paragraph 1 above;
 - c) Licensee must apply for and pass the Board's jurisprudence examination before the Board may lift the license suspension imposed under paragraph 1 above; and
 - d) Licensee shall not violate any provision of ORS Chapter 685, OAR Chapter 850, or a term of this Settlement Agreement and Consent Order.
3. Licensee may petition the Board for termination of his probation at any time after serving five years of probation under the terms of this Consent Order.
4. Licensee shall pay civil penalties of \$15,000. Payment of this amount shall be made to the Board in full within one year in accordance with the following payment schedule:
Licensee shall make twelve monthly payments, each in the amount of \$1,250, the first of which is due by the tenth day of the first month following the effective date of this order.

DATED this 29th day of November 2010.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

By:  Signature on file
Anne Walsh, Executive Director

IT IS SO STIPULATED.

Signature on file

Alan A. Kadish, N.D. 5177

11/19/10
Date