

1
2
3
4
5
6
7
8
9
10
11

ENTERED
JUL - 6 2000
IN REGISTER BY SD

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON, by and through the
BOARD OF MEDICAL EXAMINERS

Plaintiff,

v.

PAULA R. BICKLE,

Defendant.

Case No. 9903-02683

STIPULATED ORDER AND SUPPLEMENTAL
JUDGMENT AND DECREE

RECEIVED
CIRCUIT COURT

2000 JUL - 5 PM 3:23
FILED

12 This Court has found that Plaintiff State of Oregon, acting by and through the Board of
13 Medical Examiners (BME, hereafter) and represented by Assistant Attorneys General Daniel H.
14 Rosenhouse and Warren G. Foote and Defendant Paula Bickle, *pro se*, stipulate and agree to the
15 following:

- 16 1. The parties entered into a Stipulated Judgement and Decree (hereinafter "Decree")
17 that was entered by this Court on April 29, 1999, in which certain conditions were
18 imposed on the Defendant. Defendant consented to ongoing monitoring by the BME.
19 The provisions of the Decree were specified to be enforceable via contempt
20 proceedings and by other means allowed by law. The Decree of April 29, 1999
21 remains in full force and effect except to the extent it is inconsistent with the terms set
22 out herein.
- 23 2. Defendant acknowledges that she has been served with a motion to appear and show
24 cause why she should not be held in contempt of court for violating the terms of the
25 above- described Decree. In lieu of Defendant appearing before the Court pursuant
6 to the motion to appear and show cause, Defendant admits to the following findings:

1 - STIPULATED ORDER AND SUPPLEMENTAL JUDGMENT AND DECREE
GEN52846

- 1 a. Defendant violated section 12(b)(2) of the Decree by continuing to act
2 under the authority of a Medical Director who had terminated employment
3 at Cascade Health Group.
- 4 b. Defendant violated section 12(b)(6) of the Decree by diagnosing, prescribing, and
5 altering a course of treatment for disease or other physical conditions requiring a
6 medical diagnosis.
- 7 c. Defendant violated section 12(b)(7) by undertaking invasive treatment of patients, by
8 administering intravenous treatment (IV, hereafter) when a Medical Director, or other
9 physician, was not on the premises throughout the time of treatment.
- 10 d. Defendant violated section 7 of the Decree by failing to notify the BME's
11 Investigation Committee (hereafter IC) in writing of changes in the identity and/or
12 qualifications of her Medical Director.

13 Based upon the foregoing findings of violations and the stipulation of the parties,

14 IT IS HEREBY ORDERED AND DECREED as follows:

- 15 1. Defendant specifically consents to the continued jurisdiction and venue of this Circuit
16 Court under this Stipulated Order and Supplemental Judgment and Decree (referred
17 to as the Supplemental Decree, hereafter) for as long as the Supplemental Decree is in
18 effect under Oregon law.
- 19 2. In addition to enforcement of this Supplemental Decree by a motion for contempt and
20 other procedures allowed by law, Defendant is subject to ongoing monitoring by the
21 BME, to be conducted at the sole discretion of the BME. The BME may conduct such
22 monitoring through its Investigating Committee (IC) or otherwise, in order to ensure
23 compliance with the terms of this Supplemental Decree. The BME will conduct its
24 monitoring so that it does not notify Defendant's employer of the monitoring, except
25 that it may notify the employer if Defendant's employment is in a health-care or
26 clinical setting.

- 1 3. Except as may be necessary to enforce her legal rights under a contract of sale,
2 Defendant shall have no ownership or management interest in Cascade Health Group
3 if it is open to treat patients or otherwise transact business.
- 4 4. Defendant will not manage, nor shall she maintain or acquire any ownership interest
5 in, a facility, clinic, or other business at which persons engage in the practice of
6 medicine. But this Paragraph 4 does not prohibit the Defendant from owning shares
7 of stock in such a business that is publicly traded on a regulated stock exchange such
8 as NASDAQ or the New York Stock Exchange, so long as Defendant's ownership
9 interest consists of less than one-half of one percent of the outstanding stock. This
10 Paragraph 4 also does not prohibit Defendant from being employed to do solely
11 administrative work at such a business in which persons engage in the practice of
12 medicine.
- 13 5. Within the State of Oregon, Defendant may not: Make entries upon a medical
14 patient's chart; Diagnose, treat, or have hands-on contact with a client for the purpose
15 of making a diagnosis or providing treatment; Draw blood; Administer IV treatment;
16 Perform injections on humans or; Otherwise engage in the practice of medicine. Such
17 practice is prohibited, whether it is in person, via the internet or via other forms of
18 communication, including telecommunications. The "practice of medicine" is defined
19 in Paragraph 3 of the Decree and may be otherwise defined under Oregon law. This
20 Paragraph 5 does not prohibit the defendant from providing dietary advice, nutrition
21 education, and information on weight-loss. It also does not prohibit the Defendant
22 from doing work in accordance with any licensing she may have as a dental hygienist,
23 so long as such work is done in compliance with the terms of such license.
- 24 6. Respecting the requirements of Paragraph 8 of the Decree, Defendant's notification
25 shall also include the complete name, address, and telephone number of Defendant's
26 employer or place of business.

- 1 7. Defendant shall immediately inform the IC in writing of any research programs or
2 research projects in which she participates, including those in the field of human
3 nutrition. All research protocols involving human subjects shall be provided to the
4 BME prior to the beginning of any such program or project, or if such notice is
5 impossible, then within 7 days thereafter.
- 6 8. Defendant shall inform the BME of any internet web sites of which she is aware
7 relating to nutrition or heavy metal toxicity that she operates or in which she
8 participates, immediately upon commencing such operation or participation.
- 9 9. Defendant shall immediately report to the IC any party, including name, telephone
10 number and address, to whom she provides any consultation in the field of heavy
11 metal toxicity. Notwithstanding the preceding sentence, Defendant need not report
12 any consultation consisting solely of referral to a physician. She also need not report a
13 consultation with a physician. And she also need not report conversations of a general
14 nature in which she is neither given information about the condition of a particular
15 person, nor does she make a diagnosis or any recommendation for treatment for any
16 medical or health condition.
- 17 10. Paragraph 13 of the Decree is amended to provide that its terms shall apply for as
18 long as this Supplemental Decree is effective under Oregon law. But the requirements
19 in Paragraphs 4, 6, 8 and 9 of this Supplemental Decree expire 66 months from the
20 date of entry of this Supplemental Decree unless the BME or its representatives
21 discover the violation of any provision in either decree and give notice of such
22 violation to the Defendant prior to the expiration of such 66 months.
- 23 11. Defendant shall pay all future costs of complying with this Supplemental Decree,
24 including all reasonable costs of the BME associated with the audits provided for
25 herein. But Defendant is not liable for costs of the BME associated with audits of
26 employment in settings where persons do not engage in the practice of medicine.

1 12. The activities set forth in this Paragraph 12 do not *per se*, constitute any violation of
2 the Decree or Supplemental Decree. But such activities are violations if done in
3 conjunction with activities prohibited in the Decree or elsewhere in the Supplemental
4 Decree:

- 5 a) Assessing the nutritional needs of clients and advising them on appropriate
6 nutritional intake.
7 b) Engaging in business development.
8 c) Conducting research as a research investigator.
9 d) Practicing as a dental hygienist.
10 e) Writing books or articles.
11 f) Conducting seminars or presenting classes, either in person or via audio or video
12 presentation, telecommunications, including the internet.
13 g) Consulting with a physician.
14 h) Dental compatibility studies done at the request of a licensed dentist, where the
15 results of the study are transmitted only to the dentist.
16 i) Being employed by a physician or health care facility, provided that Defendant
17 presents a copy of this Supplemental Decree to her employer no later than her first
18 day on the job.

19 13. All communications to the Board of Medical Examiners required by this
20 Supplemental Decree shall be made, unless alternative means are given by Plaintiff to
21 Defendant in writing, and all communications to the Defendant, unless alternative
22 means are given by Defendant to Plaintiff in writing, to the following addresses, faxes
23 or telephone numbers:

24 To the BME—
25 Compliance Officer
26 Board of Medical Examiners
1500 SW 1st Street, Suite 620
Portland, Oregon 97201-5826

To the Defendant—
Paula Bickle
17840 Wolf Drive
Sandy, OR 97005

1 Phone (503) 229-5770
2 Fax (503) 229-6543

(503) 668-8325
(503) 668-4061

3 14. All references herein to the BME or IC apply equally to any successor entity.

4 15. Judgment is granted to Plaintiff and against Defendant in the amount of \$5,000 as a
5 fine and \$2500 in costs. This provision supersedes Paragraph 16 of the Decree.

6 MONEY JUDGEMENT

7 1) Judgment Creditor: State of Oregon, Board of Medical Examiners

8 Address of Judgment Creditor: 1500 SW 1st Street, #620, Portland, OR 97201-5826

9 Judgment Creditor's Attorney: Daniel H. Rosenhouse

10 Address of Creditor's Attorney: Oregon Department of Justice, 1515 SW 5th Avenue,
11 Room 410, Portland, OR 97201

12 Phone Number of Creditor's Attorney: (503) 229-5725

13 2) Judgment Debtor: Paula Bickle

14 a) Address: 17840 Wolf Drive, Sandy, OR 97055

15 b) Date of birth: Unavailable

16 c) Social Security No.: Unavailable

17 d) Driver's License No.: Unknown; State of issuance: Unknown

18 e) Name of Defendant's attorney: None

19 3) Other persons or public body entitled to any portion of payment made on judgment:
20 None.

21 4) Principal Amount of Judgment: \$5,000.00

22 5) Prejudgment interest: None.

23 Prejudgment interest rate: Not applicable

24 6) Postjudgment simple interest at the rate of 9 percent per annum on the total judgment
25 of \$7,500.00 from the date judgment is entered until fully paid.

26 Interest is simple.

- 1 7) Accrued Arrearage: Not applicable
2 8) Costs and Attorney Fees:
3 a) Costs and disbursements: \$2,500.00
4 b) Attorney fees: None

5 Dated this _____ day of June 2000.

JUL 05 2000

Judge

8 Presented by:

9

10 Daniel H. Rosenhouse #77327
11 Assistant Attorney General

12 It is so stipulated:

13

14 Daniel H. Rosenhouse, Attorney for Plaintiff

15

16 Paula Bickle, Defendant *Pro Se*