

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE:

AMINAH KEATS, N.D.

License No.: PENDING

Applicant

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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2009). The HORA authorizes the Board to regulate the practice of Medicine in the District of Columbia. In the District of Columbia, “An individual applying for a license under [the HORA] shall establish to the satisfaction of the board regulating the health occupation that the individual . . . [m]eets any other requirement established by the Mayor by rule to assure that the applicant has had the proper training, experience, and qualifications to practice the health occupations.” D.C. Official Code § 3-1205.03. The Board may deny a license to any applicant who is professionally or mentally incompetent or physically incapable. *Id.*, § 3-1205.14(a)(5). Therefore, an applicant for licensure must “establish to the Board’s satisfaction that the applicant possesses appropriate skills, knowledge, judgment, and character to practice medicine.” DCMR § 17-4600.4.

Indeed, the Board “has broad jurisdiction to regulate the practice of medicine and to impose a variety of disciplinary sanctions upon persons applying for or renewing their license to practice medicine in the District of Columbia[.]” *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C.1989). The Council of the District of Columbia, in amending

the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C.1989). And “it is the Board’s duty to protect the general public from unqualified physicians[.]” *Roberts v. District of Columbia Board of Medicine*, 577 A.2d 319, 327 (D.C.1990). Moreover, the “members of the Board of Medicine are presumed to have substantially greater familiarity . . . with the meaning of terms like ‘the practice of medicine.’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991). Therefore, the Board “is responsible for evaluating the qualifications and supervising the examinations of applications for licensure to practice medicine in the District.” *Greenlee v. District of Columbia Board of Medicine*, 558 A.2d 48, 50 (D.C.1993). Even where an applicant may be licensed in another state, the Board has the discretion to review each applicant’s application for licensure, giving relevant consideration to intervening experience and accomplishments since the circumstances at the time of original licensure, notwithstanding current licensure and good standing in another state or territory. *Tinner v. District of Columbia Dept. of Consumer and Regulatory Affairs*, 703 A.2d 833, 836 (D.C.1997) (Board of Medicine’s denial of license to practice medicine by endorsement and reciprocity to applicant licensed in New York, New Jersey and Maryland was not arbitrary and capricious where denial was rationally based to standards set by District of Columbia Board of Medicine under District of Columbia law). In this context, the Board also regulates physicians and applicants who wish to practice medicine in the District of Columbia.

Background

Applicant filed her application to practice naturopathic medicine in the District of Columbia on or about July 23, 2014. During the review of Applicant's application, the Board staff learned that Applicant was employed as a practitioner by Aloe Wellness, located at 5849 MacArthur Boulevard, NW, Suite 2, in Washington, D.C.

Applicant had entered into a "Practitioner Agreement," with Aloe Wellness, under which Applicant was to commence employment beginning July 31, 2014 until July 31, 2015. In that agreement, Applicant agreed, among other things, to "provide naturopathic therapies within the scope of licensure as applicable." In fact, Applicant submitted supporting document to her application consisting of an undated letter signed by Dr. Arti Mehta, N.D., a District licensed naturopathic physician, stating that Applicant joined Aloe Wellness on July 31, 2014, "where she [was] contracted to practice Naturopathic Medicine." At the time Applicant entered into this agreement, Applicant was, as yet unlicensed to practice naturopathic medicine in the District of Columbia. Applicant's only licensure to practice naturopathic medicine was from Vermont, which, at the time was in active status and remains active until September 30, 2016. Applicant has no disciplinary history with respect to her Vermont license.

On October 29, 2014, the Board considered Applicant's application. It was during that consideration that the Board learned of Applicant's employment, and intended unlicensed practice, with Aloe Wellness. Learning of the Practitioner Agreement, the Board initiated an investigation to determine whether Applicant was, in fact, practicing naturopathic medicine in the District of Columbia without a license. The investigation disclosed, among other things, the following pertinent information:

1. Applicant was identified on Aloe Wellness' website, as of November 4, 2014, as "licensed Naturopathic Physician, specializing in integrative oncology."

2. Aloe Wellness maintained business cards identifying Applicant as "Dr. Aminah Keats, Naturopathic Physician."

3. The Board issued a subpoena to obtain 10 patient records of Aloe Wellness for patients who were treated from August 7, 2014 through November 11, 2014. Those records contained past medical histories, assessments, and plans of care. While the records did not contain physician signatures or identifiers, the principals of Aloe Wellness provided written statements stating that the patient records were of patients treated by Applicant.

4. During the investigation, Applicant provided a statement, in which she admitted to practicing naturopathic medicine without a license, and maintained that she practiced "under supervisory guidelines." Moreover, Applicant stated that she did not inform any of the patients she treated that she was not licensed in the District, and that she introduced herself as "Dr. Keats."

In all other respects, but for the unlicensed practice, as described above, Applicant is eligible for licensure.

Conclusions of Law

The Board is authorized to sanction Applicant under the HORA for her actions, which are related to the practice of naturopathic medicine. The HORA provides, in pertinent part:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, . . . to practice a health occupation regulated by the board in the District who:

* * *

(24) violates any provision of [the HORA] or rules and regulations issues pursuant to the HORA[.]

D.C. Official Code § 3-1205.14(a)(24).

The HORA further provides: “A license pursuant to this chapter is required to practice [...] naturopathic medicine[.]” D.C. Official Code § 3-1205.01(a). Although Applicant was licensed in Vermont to practice naturopathic medicine, she was not licensed to do so in the District.

Based upon the foregoing factual information, Applicant has violated the foregoing requirement for licensure to practice naturopathic medicine in the District of Columbia. Accordingly, Applicant’s conduct described above provides the Board with a basis in fact and law to warrant disciplinary action.

ORDER

ACCORDINGLY, based upon the foregoing, it is by the District of Columbia Board of Medicine hereby,

ORDERED that, conditioned upon the terms of this Consent Order, the Board shall approve Applicant’s application for licensure to practice naturopathic medicine in the District of Columbia; and it is further

ORDERED, that Applicant shall comply with the following rehabilitation plan, as described below; and it is further

ORDERED, that Applicant shall remit a fine of \$5,000.00, to be remitted within ninety (90) days of the effective date of this Consent Order; and it is further

ORDERED, that the aforementioned fine shall be remitted by check or money order payable to “D.C. Treasurer” and submitted to the Board of Medicine, care of Lisa Robinson, Health

Licensing Specialist, 899 North Capitol Street, NE, Second Floor, Washington, D.C. 20002; and it is further

ORDERED that, Applicant shall complete ten (10) credits of continuing medical education in business management and medical ethics within ninety (90) days of the effective date of this Consent Order, not to be counted towards fulfillment of the continuing education requirements to maintain Applicant's license in good standing; and it is further

ORDERED, that Applicant submit proof of completion of the continuing education referred to above within ten (10) days of completion; and it is further

ORDERED, that, within thirty (30) days of the effective date of this Consent Order, Applicant shall notify all patients to whom Applicant provided care, treatment and any naturopathic medicine services at Aloe Wellness from July 31, 2014 through the effective date of this Consent Order, and further shall submit written verification of the notice sent to each patient to the Board of Medicine, care of Lisa Robinson, Health Licensing Specialist, Board of Medicine, 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002; and it is further

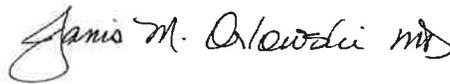
ORDERED, that the notice referenced above shall, at a minimum, disclose the following information: 1) Applicant was not licensed to practice naturopathic medicine in the District of Columbia, although licensed in Vermont; 2) Applicant should not have been referred to as "Dr. Keats", a doctor, a naturopathic physician, or any designation that implied a District licensed status for and by Applicant when Applicant provided care, treatment, or any other naturopathic medicine services to any patient at Aloe Wellness; and 3) Applicant should not have been identified as a District licensed naturopathic physician on Aloe Wellness' website; and it is further

ORDERED, that this is a public document; and it is further

ORDERED, that any violation of this Consent Order may constitute grounds for suspension or revocation of Applicant's license, after due notice and hearing. In the event Applicant violates this Order, an administrative proceeding may be convened to determine whether such action is warranted; and it is further

ORDERED, that Applicant shall maintain a course of conduct in her practice of naturopathic medicine commensurate with the requirements of all laws and regulations of the District of Columbia regarding the practice of naturopathic medicine.

DISTRICT OF COLUMBIA BOARD OF MEDICINE



August 27, 2015

Date

By: Janis M. Orlowski, M.D., M.A.C.P.
Chairperson

CONSENT OF APPLICANT

- My signature on the foregoing Consent Order signifies my acceptance of the terms and conditions of the Consent Order and my agreement to be bound by its provisions. OK (initial)
- I acknowledge the validity of this Consent Order, as if made after a hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. OK (initial)
- I also recognize that I am waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. OK (initial)
- I expressly acknowledge that by signing this Consent Order, I am voluntarily waiving my right to require the Board to charge me through a notice of intent to take disciplinary action with a violation of this agreement and to require the government to prove such violation by a preponderance of the evidence before suspending my license based upon the failure to satisfactorily fulfill the terms of the Consent Order. OK (initial)
- I also expressly acknowledge by signing this Consent Order, I am waiving my right to confront witnesses, give testimony, to call witnesses on my behalf, and to other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. OK (initial)
- I further expressly acknowledge that by signing this Consent Order, I am waiving my right to appeal this Consent Order, as well as waiving any and all rights, whatsoever, I would have to challenge or appeal that Board's decision to suspend my license based on the failure to satisfactorily fulfill the terms of the Consent Order. OK (initial)

• I acknowledge that in the event that the Board suspends my license based on the failure to satisfactorily fulfill the terms of the Consent Order, my sole remedy and recourse will be to respond within the time period set forth in this Consent Order with proof of my compliance and that if I fail to do so, my sole remedy and recourse will be to comply with the terms of this Consent Order to the satisfaction of the Board. AK (initial)

• I have had an opportunity to review this document and to consult with my own legal counsel. I choose willingly to sign this Consent Order, and I understand its meaning and effect.

AK (initial)

7/24/15
Date

SHAHIN MOLKARA
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES 08/10/2015

Aminah Keats
Aminah Keats, Applicant

Sworn to and subscribed before me this 24th day of July, 2015.

Shahin Molkara
Notary Public
My Commission Expires:

This Consent Order shall be deemed a public document and shall be distributed as appropriate.