

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

IN RE:

RHODO NGUYEN, N.D.

License No.: NP-0016

Respondent

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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board” or “D.C. 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 naturopathic medicine in the District of Columbia and, in doing so, the Board has broad jurisdiction to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; *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 the HORA “was designed to ‘address modern advances and community needs *with the paramount consideration of protecting the public interest.*’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Background

Respondent has been licensed to practice naturopathic medicine in the District of Columbia since July 29, 2009. Respondent has maintained her license in good standing with no disciplinary history until the instant matter.

Respondent is a principal of Aloe Wellness, a naturopathic medical practice in the District of Columbia. On or about July 31, 2014, Aloe Wellness entered into a Practitioner Agreement with Dr. Aminah Keats, who was then not licensed to practice naturopathic medicine in the District of Columbia. Dr. Keats was then licensed to practice naturopathic medicine in Vermont. While the agreement stated that Dr. Keats was not an employee of Aloe Wellness, the website for Aloe Wellness represented Dr. Keats as a member of the Aloe Wellness staff. According to the agreement, Dr. Keats would “provide naturopathic therapies within the scope of licensure,” among other things. Consequently, the agreement contemplated that Dr. Keats would practice naturopathic medicine during the pendency of the agreement. However, Dr. Keats was not then licensed in the District of Columbia to practice naturopathic medicine.

Moreover, the Aloe Wellness website stated, “Dr. Aminah Keats is a licensed Naturopathic Physician, specializing in oncology,” when, in fact, she was not. The website was entirely unclear as to the state in which Dr. Keats was then licensed, and led the general public to believe that Dr. Keats was licensed to practice naturopathic medicine in the District of Columbia.

The Board became aware of Dr. Aminah Keats’ practicing naturopathic medicine without a license when Dr. Keats submitted her application for a naturopathic physician’s license. In the course of reviewing Dr. Keats’ application, the Board staff discovered the Practitioner Agreement, discussed above.

On October 29, 2014, the Board considered Dr. Keats' application. Upon learning of the Practitioner Agreement and intended unlicensed practice with Aloe Wellness, the Board initiated an investigation to determine whether Dr. Keats 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. Dr. Keats was identified on Aloe Wellness' website, as of November 4, 2014, as a "licensed Naturopathic Physician, specializing in integrative oncology;"
2. Aloe Wellness maintained business cards identifying Dr. Keats as "Dr. Aminah Keats, Naturopathic Physician;"
3. The Board subpoenaed 10 patient records from Aloe Wellness to review records of 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 Respondent provided written statements stating that the patient records were those of patients treated by Dr. Keats; and
4. During the investigation, Dr. Keats provided a statement, in which she admitted to practicing naturopathic medicine without a license, and maintained that she practiced "under supervisory guidelines." Moreover, Dr. Keats 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."

Respondent believed that, according to her own interpretation of the HORA, Dr. Keats was able to practice naturopathic medicine without a license. Specifically, Respondent believed that the exemption from licensure under D.C. Official Code § 3-1205.02(a)(3) applied in Dr. Keats' circumstance. That section provides, in pertinent part, "The provisions of this chapter

prohibiting the practice of a health occupation without a District of Columbia license, . . . shall not apply . . . [t]o an individual, licensed, . . . to practice a health occupation in a state, . . . ; provided, that the individual engages in the provision of care, in affiliation with a comparable health professional licensed, . . . pursuant to this chapter.” D.C. Official Code § 3-1205(a)(3). Respondent’s reliance on the exemption provision is misplaced because the exemption from licensure does not apply to an individual who is awaiting licensure.

On June 24, 2015, Respondent appeared before the Board for to provide further details regarding Dr. Keats’ unlicensed practice of naturopathic medicine. The Board determined that, while Respondent’s conduct violated the intent of the HORA, Respondent was well intentioned in utilizing Dr. Keats’ services at Aloe Wellness. Accordingly, the Board determined to resolve this matter by imposing a fine and directing Respondent to complete continuing medical education in medical ethics and medical practice management. Therefore, the Board issues the instant Consent Order.

Conclusions of Law

Under D.C. Official Code § 3-1205.14(a) the Board is authorized to take action under the following circumstances:

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...against any person permitted by this subchapter to practice a health occupation regulated by the board in the District who:

(12) Willfully practices a health occupation with an unauthorized person or aids an unauthorized person in the practice of a health occupation;

(24) Violates any provision of [the HORA] or rules and regulations issued pursuant to [the HORA] and;

(26) Fails to conform to standards of acceptable conduct and prevailing practice within a health profession.

Respondent's actions as described above constitute conduct that may be sanctioned under the HORA; and Respondent's actions are related to the practice of naturopathic medicine. Accordingly, Respondent's conduct provides the Board with a basis in law and fact to warrant disciplinary action.

ORDER

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

ORDERED, that the Board shall impose a fine of FIVE-THOUSAND DOLLARS (\$5,000.00), to be remitted within THIRTY (30) days of the effective date of this Consent Order; and it is further

ORDERED, that Respondent shall remit the fine by check or money order made payable to "D.C. Treasurer" and submit the fine to: Lisa Robinson, Health Licensing Specialist, D.C. Board of Medicine, 899 North Capitol Street, NE, Second Floor, Washington, D.C. 20002; and it is further

ORDERED that Respondent shall complete THREE (3) credits of continuing medical education in medical ethics and medical practice management 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 Respondent's license in good standing; and it is further

ORDERED, that the aforementioned continuing medical education credits shall comply with the requirements of 17 DCMR § 5206 (continuing education requirements for naturopathic physicians) and/or 17 DCMR § 4614 (continuing education requirements for physicians and osteopathic physicians); and it is further

ORDERED, that Respondent submit proof of completion of the continuing education referred to above within TEN (10) days of completion and submit the proof to: Lisa Robinson, Health Licensing Specialist, D.C. Board of Medicine, 899 North Capitol Street, NE, Second Floor, Washington, D.C. 20002; and it is further

ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia, while within its jurisdiction; and it is further

ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent Order the D.C. Board may issue a notice of intent to take formal disciplinary action against Respondent's license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

10.28.15
Date

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

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CONSENT OF RESPONDENT

- 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. [Signature]

(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. [Signature] (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. [Signature] (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. [Signature] (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. [Signature] (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. [Signature] (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.

(initial)

10-27-15
Date


Rhodo Nguyen, N.D.
License No.: NP-0016

Sworn to and subscribed before me this ____ day of _____, 2015.

signed in the
presence of Board
Council. Bm

Notary Public (SEAL)
My Commission Expires:

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