

Naina Sachdev, M.D.
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Client Assistance Office
Oregon State Bar
16037 SW Upper Boones Ferry Road
P.O. Box 231935
Tigard, Oregon
97281-1935

Dear Oregon State Bar,

My name is Naina Sachdev. I am an MD who is registering complaints against three individuals associated with the Oregon Medical Board (OMB). All three are J.D.s; Assistant Attorney General **Warren Foote**, Executive Director **Kathleen Haley**, and **Nicole Krishnaswami**. All three collaborated criminally to destroy my career. This has caused me insufferable psychological distress and turmoil, economic hardship and family upheaval and illness. All three have disregarded their duty to abide by the Oregon Rules of Professional Conduct; in particular Rules 8.3 (a)(b) and Rules 8.4 (a)(1)(2)(3)(4)(5)(6).

These three individuals contributed significantly to falsely formulate a plan to destroy my medical career. I underwent an improper investigation. This plan was overseen by Mr. Warren Foote from the time I was asked to surrender my license under poor legal counsel, investigative hearing, and my hearing which lasted two weeks (see **Exhibit A** – Report to National Practitioner Data Bank (NPDB) by my lawyer Kevin Mirch).

Also note that there has been no patient harm in my case. In fact at the time I was asked to surrender my license there was no probable cause. The complainant whom they chose to give immunity herself had a criminal record and I had filed a police report against her for forged prescriptions prior to my complaint. The police report was dropped after involvement of the OMB investigator. Forged

prescriptions are a criminal offense and the complaintant continued to work in other medical offices after I terminated her February 3, 2012 and continued to get the same prescription medication from other physicians.

I was made to undergo investigation by every state and federal agency throughout my investigation and no allegations arose. The DEA investigation was dropped and the DEA investigator Tim McFarland involved in my case committed suicide. The OMB investigator Rich Bitonti is no longer with the OMB and I urge you to investigate his history prior to his employment when he was working in Riverside, Calafornia.

The patient names in whom medical charts were reviewed were a result of a meeting of my employees past and present at the time whom the OMB investigators took out to dinner in an Italian restaurant which is unprofessional and unethical by any standards.

My revocation order in which no patient harm resulted was 144 pages whereas most physicians who have committed significant harm to patients their revocation order is on average 15-20 pages and are given their licenses back.

Federation of State Medical Boards which cites criteria to initiate investigations on doctors my score was very low, 10/100 to start an investigation.

As noted by Mr. Mirch in his letter:

1. Prior to, and during my hearing, there were severe violations of my due process rights.
2. Finding of facts were omitted, erroneous, and unsupported by the preponderance of the evidence in the record by the OMB Final Order.
3. Necessary legal conclusions were omitted and were contrary to the law and the OMB's rules and written policies.
4. Prejudicial procedural errors occurred before and during my hearing.
5. The OMB Final Order violated my constitutional right to due process.

6. Warren Foote, Kathleen Haley and Nicole Krishnaswami introduced two physicians as "expert" witnesses at my hearing that had no knowledge or experience in Integrative Medicine. They both admitted this under oath. Both physicians were trained only in Internal Medicine. One of these physicians was Dr. Joseph Thaler who is the Medical Director for the OMB. **This is a grave conflict of interest.** The other physician was Pamela Turner, M.D. Moreover, at the time I was asked to surrender my license June 7, 2012 my charts had not even been reviewed.

7. Two physicians testified on my behalf. One was James William Forsythe, M.D., H.M.D. He is a medical and homeopathic Physician. He is a pathologist, but is also certified in Internal Medicine, Oncology, and Homeopathy. Since 1996, he has been practicing Integrative Medicine, specifically Integrative Oncology, author of many books and recently asked to head the Cleveland Clinic in Integrative Oncology.

The other physician was Stephen Holt, M.D. who has practiced medicine for 40 years. He is Board Certified in Internal Medicine, Gastroenterology, and Clinical Nutrition. He is the author of approximately 30 books, primarily regarding Integrative Medicine. Dr. Holt is world renowned.

Both these physicians had no negative criticisms of my practice, only positives. None of this was noted in my Final Order from the OMB. The writing of all Final Orders is orchestrated by Foote, Haley and Krishnaswami. This Final Order is then fed to the physician and public board members who rubber stamp it.

8. Warren Foote, Kathleen Haley and Nicole Krishnaswami instead chose to use testimony from Dr. Thaler and Dr. Turner in their Final Order to revoke my license, both of whom admitted they had no experience in Integrative Medicine. There was also misrepresentation by Dr. Thaler on a conversation with a doctor he had on my case.

9. ALJ Jennifer H. Rackstraw, who "oversaw" my hearing, conjured up violations against me in her Proposed Order that even the OMB had not made, but included in their Final Order.

10. **By far the most egregious incident that occurred surrounding my hearing was Foote's, Haley's and Krishnaswami's witness tampering and intimidation.** (see Exhibit B – Dr. Ken Welker's Affidavit). These three threatened Ken Welker, M.D., in particular Mr. Warren Foote, with license revocation if he testified at my hearing. Whatever Mr. Foote is involved with is planned, known and instigated by Haley and Krishnaswami in addition. Dr. Welker did not testify at my hearing because of these threats and intimidation. Mr. Foote, Ms. Haley and Ms. Krishnaswami work together on all cases. Each is aware of the strategy being used to take down and revoke a physician. Again, this is a full frontal psychological and economic assault that is formulated together.

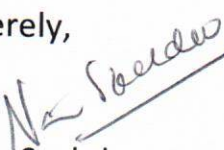
There are no words to express what I have gone thru, most of all years spent away from my son who needed me, my daughters who sacrificed their personal lives, my father passed away in shame and disbelief, my mother whose health declined significantly, my spouse who went into kidney failure and subsequent kidney transplantation and my public career that suffered and halted and financial devastation.

I don't use the word criminal lightly, but there is no other way to describe what has happened to me and others at the hands of the OMB. There is a repeated and consistent pattern of behavior by the OMB attorneys which is unethical and criminal in nature as evidenced by other complaints by physicians and psychologists who have undergone investigation.

I am sure you will start to see other complaints as well however most of the physicians and psychologists are intimidated to come forward with their complaints.

I am happy to supply you with any documentation you request. Please feel free to contact me. Please note the attachment that was submitted to the NPDB.

Sincerely,



Naina Sachdev

November 11, 2015

MIRCH LAW OFFICES LLP

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(619)501-6220
(619) 501-6980 fax

KEVIN J. MIRCH, ESQ.*
MARIE C. MIRCH, ESQ.**
ERIN E. HANSON, ESQ.*

November 10, 2014

To be Reported on the NPDB

U.S. Department of Health and Human Services
The National Practitioner Data Bank
4094 Majestic Lane, PMB-332
Fairfax, VA 22033

Re: *In the Matter of Naina Sachdev, MD*
Oregon License Number MD16352
OAH Case No. 1303172
Oregon Court of Appeals Case No. A158152

To Whom it May Concern,

A Petition for Review has been filed in the Court of Appeals of the State of Oregon, Case Number A158152, regarding the Final Order dated October 2, 2014 in the above captioned matter pertaining to Naina Sachdev, MD.

Licensee's appeal is based upon grounds that necessary finding of facts are omitted, erroneous, and/or unsupported by the preponderance of the evidence in the record; necessary legal conclusions are omitted and/or are contrary to the law or the OMB's rules or written policies; and prejudicial procedural error occurred.

More specifically, the appeal contends that the Final Order violated Dr. Sachdev's constitutional right to due process. Such due process violations include, but are not limited to, the following:

* Licensed in CA

** Licensed in CA & NV

1. There is sworn testimony from one of Dr. Sachdev's expert witnesses that he was threatened in order to deter him from testifying on Dr. Sachdev's behalf (see Attachment 1);
2. Contrary to law, written rules and policies, the ALJ failed to comply with ORS 183.415(3)(c) when finding violations of statutes which are not cited in the Board's Notice;
3. Contrary to law, written rules and policies, the ALJ failed to comply with ORS 183.415(d) when finding violations of matters which were not asserted or charged in the Board's notice.
4. Contrary to law, written rules and policies, the ALJ relies upon the testimony of physicians who admittedly do not practice the same area of medicine as Licensee and do not have knowledge of Licensee's area of practice.
5. Contrary to law, written rules and policies, the ALJ makes findings which are in violation of Licensee's due process rights;
6. Contrary to law, written rules and policies, the ALJ's findings support the Board's Obstruction of justice and tampering with witnesses;
7. The ALJ's conclusions are not supported by federal and state laws and regulations; and
8. The ALJ's findings are in direct conflict with the evidence.
9. Contrary to law, written rules and policies, the ALJ ignores evidence proving Licensee acted under the advice of counsel, thereby establishing an affirmative defense to "willfulness."
10. Contrary to law, written rules and policies, the ALJ relies upon statutes (i.e. ORS 677.095) which only apply to medical malpractice cases, not license revocation proceedings.
11. Contrary to law, written rules and policies, the ALJ relies upon a witness's testimony who admittedly committed perjury;
12. Contrary to law, written rules and policies, the ALJ makes inconsistent findings when she finds violations of ORS 677.190(24) when the ALJ previously found that the Board's Notice failed in regard to ORS 677.190(24).
13. Contrary to law, written rules and policies, the ALJ finds violations of statutes

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under which the conduct was not charged

14. Contrary to law, written rules and policies, the Board's case and the ALJs findings and conclusions fail to review Licensee's integrative practice of medicine as a whole.

For the reasons set forth above, Dr. Sachdev is Petitioning for Review of the Oregon Medical Board Final Order dated October 2, 2014.

Best regards,



Kevin Mirch

* Licensed in CA

** Licensed in CA & NV

Attachment 1

1 Kevin J. Mirch, CA SBN 106973
2 Marie C. Mirch, CA SBN 200833
3 Erin E. Hanson, CA SBN 272813
4 MIRCH LAW FIRM LLP
5 750 B. St., Suite 2500
6 San Diego, CA 92101
7 (619)501-6220 tel.
8 (619)501-6980 fax
9 Attorneys for Licensee

10 **BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS**
11 **STATE OF OREGON**
12 **for the**
13 **OREGON MEDICAL BOARD**

14 IN THE MATTER OF:
15 NAINA SACHDEV

OAH CASE NO: 1303172
Agency Case No.: 11-0737, 12-0173

DECLARATION OF KENNETH WELKER

16
17 I Kenneth Welker, M.D., hereby declare:

- 18 1. I am a medical doctor licensed to practice in the State of Oregon. Currently I am
19 subject to an Emergency Suspension, as a result my license is not active.
- 20 2. I am over the age of eighteen and am competent to testify regarding all the
21 allegations contained herein. If called upon to testify, I have personal knowledge
22 of the following facts and would testify as follows:
- 23 3. In 2011 after reviewing Dr. Sachdev's files, I prepared an opinion letter that was
24 favorable to Dr. Sachdev. As stated in my opinion letter, I did not believe Dr.
25 Sachdev had done anything wrong. Following this opinion letter, the Oregon
26 Medical Board targeted me and began various disciplinary actions against me.
- 27 4. In May of 2012 I was demanded to attend an interview with the Board regarding a
28

Attachment 1

1 testosterone issue with one of my patients. I was confronted very aggressively and
2 was required to enter into an interim stipulated order with terms affecting the my
3 medical practice.

4 5. During the May 2012 meeting I was represented by counsel Eli Stutsman.

5 6. In my conversations with Mr. Stutsman, he has represented to me that he has a
6 good relationship with the Oregon Medical Board. He discussed his relationship
7 with Terry Lewis, the Board's investigator. Mr. Stutsman told me that Terry
8 Lewis would tell him things, Mr. Stutsman stated that he set Terry up to tell him
9 information. Mr. Stutsman also told me that he had a relationship with Mr.
10 Warren Foote and was able to get certain information from Warren because of this
11 relationship. Mr. Stutsman implied that the was able to get good settlements with
12 the board because of these relationships.

13 7. I was scheduled to testify at the administrative hearing for Naina Sachdev in the
14 above-captioned matter in October of 2013. I was prepared to testify regarding
15 my opinion that Dr. Sachdev had not done anything wrong.

16 8. The day before I was set to testify in the above-captioned matter. I received a call
17 from my attorney Eli Stutsman telling me that I could not testify. I was told by Eli
18 that if I testified OMB (Oregon Medical Board) counsel, Warren Foote, would
19 change my testimony and make the matter about my current disciplinary matter. I
20 was told that Mr. Foote would justify the discipline against me and Mr. Foote
21 would "crucify me."

22 9. It is my understanding, based upon Eli Stutsman's comments, that Mr. Foote
23 contacted my attorney, Eli Stutsman, before I was set to testify for Dr. Sachdev,
24 and told Mr. Stutsman that I should not testify and threatened that if I testified my
25 disciplinary matters with the OMB would be worsened by my testimony.

26 10. Some time around October of 2013 I told Eli Stutsman that I was going to discuss
27 the matter with Dr. Sachdev's attorney Mr. Kevin Mirch. A few weeks after
28 disclosing this to Eli, the Oregon Medical Board brought up the issue of an

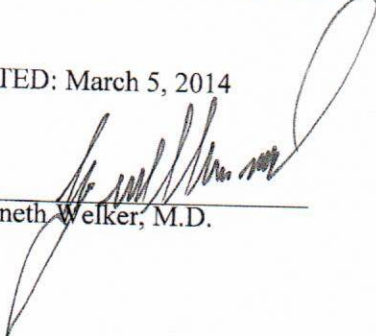
Attachment 1

Emergency Suspension of my license.

11. It is my belief that I have been targeted due to my willingness to testify for Dr. Sachdev and due to my opinion that Dr. Sachdev did not engage in any conduct that was below the standard of care. I was prepared to provide positive testimony for Dr. Sachdev during her administrative hearing in October of 2013 and I did not testify due to Mr. Foote's threats that my discipline matters would be exacerbated by my testimony for Dr. Sachdev.

I swear under penalty of perjury, under the laws of the State of California and Oregon, that the foregoing is true and correct.

DATED: March 5, 2014



Kenneth Welker, M.D.