

IN THE MATTER OF

*

BEFORE THE

LINDA POTTS

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: (Unlicensed)

*

Case Number: 2224-0007 B

* * * * *

CEASE AND DESIST ORDER

Pursuant to the authority granted to Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) under Md. Code Ann., Health Occ. 14-206(e)(1) and (2)(vii) (2021 Repl. Vol. & 2023 Supp.) and Md. Code Ann., Health Occ. § 14-5F-25(1) (2021 Repl. Vol. and 2023 Supp.), Panel B hereby orders **LINDA POTTS** (the “Respondent”), an unlicensed individual, to immediately **CEASE AND DESIST** from all activities associated with the practice of naturopathic medicine in the State of Maryland, as defined in Health Occ. § 14-5F-01(k) and from representing to the public, by description of services, methods, or procedures, or otherwise, that she is authorized to practice naturopathic medicine in the State of Maryland.

The pertinent provisions of the Maryland Medical Practice Act, Health Occ. §§ 14-101 *et seq.* and the Maryland Naturopathic Medicine Act, Health Occ. §§ 14-5F-01 *et seq.*, under which Panel B issues this Order provide the following:

§ 14-206. Judicial Powers.

...

- (e) *Cease and desist orders; injunctions.* – A disciplinary panel may issue a cease and desist order or obtain injunctive relief against an individual for:
 - (1) Practicing a profession regulated under this title or Title 15 of this article without a license;

- (2) Representing to the public, by title, description of services, methods, procedures, or otherwise, that the individual is authorized to practice:

* * *

- (vii) Naturopathic medicine in this State, in violation of § 14-5F-30 of this title[.]

§ 14-5F-25. Cease and desist orders.

A disciplinary panel may issue a cease and desist order for:

- (1) Practicing naturopathic medicine without a license or with an unauthorized person[.]

§ 14-5F-01. Definitions.

(k)(1)“Naturopathic medicine” means the prevention, diagnosis, and treatment of human health conditions, injury, and disease using only patient education and naturopathic therapies and therapeutic substances recognized by the Council of Naturopathic Medical Education.

- (2) “Naturopathic medicine” includes:

- (i) Counseling;
- (ii) The practice of the mechanical sciences of healing, including mechanotherapy, articular manipulation, corrective and orthopedic gymnastics, hydrotherapy, electrotherapy, and phototherapy;
- (iii) The practice of the material sciences of healing, including nutrition, phytotherapy, treatment by natural substances, and external applications; and
- (iv) Prescribing, dispensing, or administering nonprescription and prescription drugs and devised listed in the formulary.

§ 14-5F-29. Practicing without license.

- (a) Except as otherwise provided in this subtitle, an individual may not practice, attempt to practice, or offer to practice naturopathic medicine in this State without a license.

§ 14-5F-30. Unauthorized practice – Representations to public.

- (a) Unless an individual is licensed to practice naturopathic medicine, the individual may not:
- (1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is licensed by the Board to practice naturopathic medicine;
 - (2) Use the title “doctor of naturopathic medicine”, “doctor of naturopathy”, “naturopathic doctor”, or “naturopath”; or
 - (3) Use the initials “N.D.”, “ND”, “NMD”, or “N.M.D.” after the name of the individual.
- (b) An individual licensed to practice naturopathic medicine in the State may not use the title “physician”.

INVESTIGATIVE FINDINGS¹

Based on the investigatory information received by, made known to, and available to Panel B, there is reason to believe that the following facts are true:

I. BACKGROUND AND COMPLAINT

1. The Respondent is not and never has been licensed to practice naturopathic medicine in the State of Maryland. The Respondent has been a licensed registered nurse in the State of Maryland since April 20, 1981.

¹ The statements regarding the Board’s investigative findings are intended to provide the Respondent with reasonable notice of the basis of the Board’s action. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

2. On July 12, 2023, the Board received an anonymous complaint that the Respondent was representing to the public that she was a “Board-Certified Doctor of Natural Medicine.”

3. After receiving the Complaint, the Board initiated an investigation of the Respondent.

II. BOARD INVESTIGATION

4. As part of its investigation, the Board obtained relevant business records and 10 patient records from the Respondent. Board investigators also received a written response from and conducted an under-oath interview with the Respondent. The Board also retained a licensed Naturopathic Doctor (the “Expert”) to opine as to whether the Respondent is practicing naturopathic medicine without a license and/or representing to the public that she is licensed to practice naturopathic medicine.

5. At all relevant times, the Respondent is the owner and operator of a wellness center (the “Center”) located in Washington County, Maryland. Advertising materials for the Wellness Center describe its mission as “Creating Optimal Health with Proven Results for Physical, Mental, Emotion and Spiritual Wellness.”

6. The public website for the Center describes the Respondent as “Dr. Linda D. Potts, DCRC, RN, MBA, MBE, Board Certified Doctor of Natural Medicine.” The Center offers comprehensive wellness consultations, energy healing, emotional balancing, sensitivity elimination, weight loss, detoxification and pain management. The Center states it works with patients who have been diagnosed with Lyme disease, fibromyalgia, cancer complications, chronic pain, neurological issues, depression, anxiety, digestive issues, and weight loss.

7. In her written response, the Respondent states in 2013 she “became a Board-Certified Doctor of Natural Medicine with the American Naturopathic Medical Certification Board after completing the doctorate program from Trinity School of Natural Health and taking the exam,” and remains in good standing.

8. Since March 1, 2016, the State of Maryland requires an individual to be licensed by the Board before the individual may practice naturopathic medicine in the State.² The Respondent never has been licensed to practice naturopathic medicine in the State of Maryland.

9. Despite not being licensed, the Expert opines that “the Respondent has represented to the public that she is a naturopathic doctor, and that the services she provides constitute the practice of naturopathic medicine.”

10. The Expert opines that the Respondent does not possess the qualifications to even apply for a Maryland naturopathic doctor license. First, the doctorate program completed by the Respondent from the Trinity School of Natural Health is not accredited by the Council on Naturopathic Medical Education. As such, the Respondent is not qualified to sit for the Naturopathic Physicians Licensing Examination (NPLEX). Second, the American Naturopathic Medical Certification Board is not affiliated with the North American Board of Naturopathic Examiners (the body that administers the NPLEX examination). Therefore, certifications from the American Naturopathic Medical Certification Board are not accepted as grounds for licensure by any jurisdiction that licenses naturopathic doctors in the United States and Canada.

² Health Occ. § 14-5F-10.

11. As the Respondent is not eligible to be and is not licensed to practice naturopathic medicine in Maryland, she is not permitted to use the titles “doctor of naturopathic medicine”, “doctor of naturopathy”, “naturopathic doctor”, “naturopath”, or the initials “N.D.”, “ND”, or “N.D.M.” Despite this prohibition, since March 1, 2016, the Respondent states that patients refer to her as “Dr. Potts” or “Dr. Linda.” The Respondent also refers to herself as “Dr. Linda Potts” or “Dr. Potts” on the Center’s website, on the Respondent’s informed consent form, in emails with patients, and in treatment plans.

12. After March 1, 2016, the Respondent also uses the initials “ND” in reference to herself and otherwise represents herself to be a naturopathic doctor. This includes displaying in her office a Doctor of Naturopathy degree from the Trinity School of Natural Health; displaying in her office a certification document from the American Naturopathic Medical Certification Board; providing receipts to patients with the initials “ND” following her name; and providing treatment plans to patients identifying herself as “Dr. Linda Potts, Board Certified ND.”

13. Additionally, the Expert opines that a review of patient charts “indicate that the Respondent’s actions clearly constitute the practice of naturopathic medicine. Patient visits consist of a subjective intake, an assessment...and a subsequent treatment plan, thus meeting most of the core criteria of a naturopathic medical visit.” The Expert notes that the patient charts contain a high level of medical information including conventional and integrative lab results, imaging reports, ECGs, pulmonary functions tests, specialist and hospital notes and medical photos. The Expert states that “the use of these documents is entirely consistent with the practice of naturopathic medicine, and indeed the use of dietary supplements, herbs, homeopathic remedies and other therapeutic tools to respond to

laboratory findings, imaging reports, and similar such medical evidence is one of the defining features of naturopathic medicine.”

14. In summary, the Expert concludes that the Respondent “is not licensed to practice naturopathic medicine in Maryland, but nonetheless has both represented to the public that she is a licensed naturopathic doctor, using protected terms, and provided services that constitute the practice of naturopathic medicine. She has done so in the knowledge that she is not permitted to do so, taking some, but not enough, steps to make it clear to consumers that she is not a licensed naturopathic doctor, or to alter her practice such that it is clearly not the practice of naturopathic medicine.”

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, Panel B concludes as a matter of law that the Respondent: practiced, attempted to practice, or offered to practice naturopathic medicine in Maryland without a license, in violation of Health Occ. § 14-5F-29(a); represented to the public by title, by description of services, methods, or procedures, or otherwise, that she was licensed by the Board to practice naturopathic medicine in violation of Health Occ. § 14-5F-30(a)(1); used the title “doctor of naturopathic medicine”, “doctor of naturopathy”, “naturopathic doctor”, or “naturopath” after her name in Maryland without being licensed by the Board in violation of Health Occ. § 14-5F-30(a)(2); and used the initials “N.D.”, “ND”, “NMD”, or “N.M.D.” after her name in Maryland without being licensed by the Board in violation of Health Occ. § 14-5F-30(a)(3).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is, by a majority of the quorum of Panel B, hereby:

ORDERED that pursuant to the authority under the Maryland Medical Practice Act, Health Occ. § 14-206(e)(1) and (2)(vii), and the Maryland Naturopathic Medicine Act, Health Occ. §§ 14-5F-25(1), the Respondent, Linda Potts, shall **IMMEDIATELY CEASE AND DESIST** from the practice of naturopathic medicine and representing to the public that she is authorized to practice naturopathic medicine in the State of Maryland; and it is further

ORDERED that this order is **EFFECTIVE IMMEDIATELY** pursuant to Md. Code Regs. 10.32.02.11E(1)(b), and it is further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* and Md. Code Regs. 10.32.02.11E(1)(a).

01/31/2024
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

NOTICE OF OPPORTUNITY FOR A HEARING

The Respondent may challenge the factual or legal basis of this initial order by filing a written opposition, which may include a request for a hearing, within 30 days of its issuance. The written opposition shall be made to:

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

A copy shall also be mailed to:

Gregory L. Lockwood
Assistant Attorney General
Maryland Office of the Attorney General
Health Occupations Prosecution and Litigation Division
300 West Preston Street, Suite 201
Baltimore, Maryland 21201

If the Respondent files a written opposition and a request for a hearing, the Board shall consider that opposition and provide a hearing if requested. If the Respondent does not file a timely written opposition, the Respondent will lose the right to challenge this Initial Order to Cease and Desist and this Order will remain in effect.