

IN THE MATTER OF	*	BEFORE THE
VERONICA E. HAYDUK, N.D.	*	MARYLAND STATE BOARD
Respondent	*	OF PHYSICIANS
License Number J00042	*	Case Number: 2218-0279B
* * * * *	*	* * * * *

**FINAL DECISION AND ORDER**

On July 1, 2019, Disciplinary Panel B of the Maryland State Board of Physicians (the “Board”) charged Veronica E. Hayduk, N.D. (the “Respondent”) with practicing naturopathic medicine in Maryland, after March 1, 2016, without a Board license and with representing to the public that she was licensed to practice naturopathic medicine in Maryland when she did not have a Board license to do so. Specifically, the charges alleged that the Respondent violated the following statutory provisions of the Maryland Naturopathic Medicine Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-5F-01—14-5F-32:

**§ 15-5F-10. Licensing.**

(a) Beginning March 1, 2016, except as otherwise provided in this subtitle, an individual shall be licensed by the Board before the individual may practice naturopathic medicine in the State.

**§ 14-5F-29. Unlicensed practice prohibited.**

(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 the public.**

(a) Unless the 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 or 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.

On October 28, 2019, an evidentiary hearing was held at the Office of Administrative Hearings. On January 17, 2020, the Administrative Law Judge (“ALJ”) issued a proposed decision, concluding that the Respondent violated §§ 14-5F-10(a), 14-5F-29(a), and 14-5F-30(a) of the Health Occupations Article. As a sanction, the ALJ recommended a civil fine of \$13,500. The ALJ did not propose a time period in which the fine would be due.

The Respondent submitted a letter to the Board, dated January 30, 2020, requesting that the disciplinary panel allow the Respondent 36 months to pay the fine. The Respondent did not contest any of the ALJ’s proposed factual findings or conclusions of law, nor did the Respondent challenge the amount of the fine. The administrative prosecutor responded to the Respondent’s letter, stating that the State did not oppose the Respondent’s request and that it would defer to the Panel’s determination.

### **FINDINGS OF FACT**

Disciplinary Panel A (“Panel A” or the “Panel”) finds that the following facts were proven by the preponderance of evidence:

1. Beginning March 1, 2016, an individual shall be licensed by the Board before the individual may practice naturopathic medicine in the State.
2. 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.

Naturopathic Medicine also includes those items and actions described in Health Occ. § 14-5F-01(k)(2).

3. The Respondent received a doctoral degree in naturopathic medicine from the University of Arizona in 2005 and obtained an Arizona license to practice naturopathic medicine in 2005.

4. The Respondent obtained a Vermont license to practice naturopathic medicine in either 2006 or 2007.

5. The Respondent moved to Maryland in August 2005 and began practicing naturopathic medicine in September 2005 in Maryland. She opened her first office in Maryland in October 2005. The Respondent set up a website in September 2005 and began marketing her practice. In 2008, the Respondent opened an office in Maryland which displayed her business name. The Respondent has maintained the office she opened in 2008 until the present.

6. The Respondent averages two to three new patients and zero to five patients each week.

7. The Respondent became involved with the Maryland Naturopathic Doctors Association ("MNDA") in 2005 or 2006 and was active in its efforts to get Maryland to establish licensing for naturopathic doctors by writing to Maryland congressmen and senators. The Respondent also had information on her business website asking patients to submit letters to Maryland legislators to establish naturopathic licensing.

8. On April 24, 2018, the Respondent submitted her initial Naturopathic Doctor Application for Licensure (Application) to the Board. The Board received the Application on or about April 27, 2018.

9. In the Application, the Respondent stated that she held an active license to practice naturopathic medicine in the State of Vermont, which was scheduled to expire on or about September 30, 2018. The Respondent also stated that she held an inactive naturopathic license in Arizona, which expired on December 1, 2006.

10. In her Application, the Respondent listed that she was the co-owner of Second Nature Health, LLC, located in Rockville, Maryland, and is a guest lecturer on Naturopathic Medicine and Complementary and Alternative Medicine Therapies at Georgetown Medical School. The Respondent did not provide start or end dates for either activity or describe her activities in those roles.

11. On May 17, 2018, the Respondent submitted her supplemental Application. The supplemental Application indicated her dates of employment with Second Nature Health, LLC (September 2005 to May 2018). As to the guest lecturer position, she wrote, "present lectures 1-4 times/yr."

12. On May 25, 2018, the Respondent again supplemented her Application. The Application listed her duties as co-owner of Second Nature Health, LLC, as "author, lecturer" and [manufacturer] of salve for skin."

13. On or about June 13, 2018, the Board granted the Respondent a license to practice as a naturopathic doctor in Maryland under license number J00042. Her license is currently active and scheduled to expire on or about September 30, 2020.

14. The Respondent became licensed in Maryland in 2018 because her Vermont license was set to expire in 2018.

15. Following the issuance of the license, the Board initiated an investigation into whether the Respondent practiced naturopathic medicine in Maryland prior to the Board issuing her a license.

16. As part of the investigation, the Board assessed the Respondent's website. As of June 11, 2018, the website listed the Respondent as Dr. Veronica E. Hayduk; Veronica E. Hayduk, N.D., Naturopathic Physician; and as a Naturopathic Doctor "who has been serving the natural and complementary health needs of Maryland for over a decade." It listed the Respondent's business address in Maryland.

17. On the Respondent's website, there was a video of the Respondent posted on or about April 14, 2015, in which the Respondent was interviewed on a local television show. The Respondent explained to the interviewer that she was active with MNDA and "its licensing effort, which recently passed in May. The Governor signed the bill. So very active with that."

18. On or about July 3, 2018, Board investigators conducted a site visit of the Respondent's office in Maryland. The Board investigators provided the Respondent with notice of the allegation of unauthorized practice of medicine in Maryland without a license. In addition, they served a subpoena on her for her appointment logs and patient records identified in those logs. The Respondent reviewed these documents, and she responded by referencing the name of a naturopathic doctor, who had been sanctioned by the Maryland Board of Physicians for unlicensed practice. The Respondent told the investigators that she was concerned that this information could become public and she would lose her patients.

19. The Respondent's appointment logs showed that she was seeing patients on a regular basis at her practice between March 1, 2016, and June 12, 2018.

20. The Respondent provided the investigators with nine patient records. Each patient record included, among other things, progress notes from home office visits occurring between March 1, 2016, and June 12, 2018, clinical laboratory results, a Naturopathic Blueprint and listed goals, a plan, and supplements for each patient to take. Each patient record included receipts from the Respondent for appointment fees and various supplements.

21. Each patient record contained an "Informed Consent" form for the patient to sign. This form included the statement, "I hereby request and consent to the performance of naturopathic modalities and procedures by Dr. Veronica Hayduk even though the State of Maryland currently does not recognize Naturopathic doctors as primary care providers." The form also stated that the Respondent is "licensed and registered in the states of Arizona & Vermont" and "is a registered and licensed doctor of naturopathic medicine (ND) but not a licensed medical doctor (MD/DO)."

22. On or about July 13, 2018, through her attorney, the Respondent provided a written response to the Board's charge. The attorney explained "at the time she began practicing naturopathic medicine, Maryland did not maintain a licensing procedure. In 2016, Maryland began licensing naturopathic physicians. Dr. Hayduk did not become aware of the mandatory licensing rule until very recently thinking that she could continue to practice as she had always done, using her Vermont license."

23. On or about September 11, 2018, Board investigators interviewed the Respondent under oath. The Respondent acknowledged that she has practiced naturopathic medicine in Maryland continuously since April 2005. She described her practice to include being "a counselor" to patients, "prescribing botanical remedies, homeopathics, and supplements," and providing patients "advice and care, usually dietary or nutritional advice for their chronic health

concerns.” She stated that “she was aware a license became available in 2016” for naturopathic doctors in Maryland. The Respondent explained that because she held a valid Vermont license, she planned to wait until 2018 when that license [expired] before she would become licensed in Maryland. She stated that she “was not formally notified at all that I needed a Maryland license.”

24. On July 1, 2019, the Board charged the Respondent with violations of the Maryland Naturopathic Medicine Act, specifically Health Occ. §§ 14-5F-10(a), 14-5F-29(a) and 14-5F-30(a)(1)-(3).

### **CONCLUSIONS OF LAW**

The Respondent practiced naturopathic medicine in Maryland without a Board license to practice naturopathic medicine in Maryland after March 1, 2016, which is the date the law requiring a Maryland license to practice naturopathic medicine in Maryland went into effect, and before June 12, 2018, which is the date the Respondent obtained a Maryland Board license to practice naturopathic medicine in Maryland. The Respondent also, during this period, made representations to the public that she was licensed to practice naturopathic medicine in Maryland when she was not licensed to do so by the Board. Panel A thus concludes that the Respondent practiced naturopathic medicine in Maryland, after March 1, 2016, without having a Board license to practice naturopathic medicine, in violation of § 14-5F-10(a) and § 14-5F-29(a) of the Health Occupations Article, and that the Respondent violated § 14-5F-30(a)(1), (2), and (3) of the Health Occupations Article, after March 1, 2016, when she was not licensed by the Board to practice naturopathic medicine in Maryland, by representing 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; by using the title naturopathic doctor; and by using the initials N.D. after her name.

### SANCTION

The ALJ recommended a civil fine to be imposed upon the Respondent in the amount of \$13,500. Neither party filed exceptions to the amount of the fine that the ALJ recommended. The Respondent, however, has asked that the panel allow her 36 months to pay the fine. The State responded to the Respondent's request and stated that it did not object to a 36-month period to pay the fine and would defer to the Panel's determination.

Section 14-5F-29(c) of the Health Occupations Article authorizes a civil fine of not more than \$50,000 against an individual who violates the Act. Panel A finds that the appropriate civil fine against the Respondent is \$13,500 and that two years is a reasonable time period for the Respondent to pay the fine.

### ORDER

It is, thus, by Board Disciplinary Panel A, hereby

**ORDERED** that, within two years, Veronica E. Hayduk, N.D. shall pay a civil fine of **\$13,500**. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297; and it is further

**ORDERED** that this is a public document, pursuant to Health Occ. § 14-411.1(b); Md. Code Ann., Gen. Prov. § 4-333(b)(6).

Date

05/15/2020

*Signature on File*

Christine A. Farrelly, Executive Director  
Maryland State Board of Physicians



### **NOTICE OF RIGHT TO APPEAL**

Pursuant to § 14-5F-23(a) of the Health Occupations Article, the Respondent has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within 30 days from the date this Final Decision and Order is mailed. The date of the cover letter accompanying this Final Decision and Order is the date the decision is mailed. The petition for judicial review must be made as directed in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222, and Maryland Rules 7-201 *et seq.*

If the Respondent petitions for judicial review, the Board is a party and should be served with the court's process. In addition, the Respondent should send a copy of her petition for judicial review to the Board's counsel, David Wagner, Assistant Attorney General, Office of the Attorney General, 300 W. Preston Street, Suite 302, Baltimore, Maryland 21201. The administrative prosecutor is not involved in the circuit court process and does not need to be served or copied on pleadings filed in circuit court.