

**Oregon Board of Naturopathic Examiners  
Board Meeting  
December 5, 2005**

**PRESENT:** Gregory Garcia, ND, Chair; KE Edmisten, ND; Lori Stargrove, ND; Elaine Gillaspie, ND; Rick Marinelli, ND; Anne Walsh, Executive Director. There are two public member positions vacant.

Dr. Garcia opened the meeting at 8:38am. And took the Board into Executive Session at 8:38am pursuant to ORS 192.660(1)(f) relating to confidential matters of the Board.

Back into Public Session at 11:12am.

**Executive Session Motions:** Dr. Marinelli made the following motions regarding matters discussed during executive session: In case N05-07-06 he moved to issue a notice of intent to discipline for violation of 685.110(15), (25) and 850-050-0190(8) in accordance with 850-050-0010(2)(a) for allowing an unlicensed person to practice without a license after obtaining follow-up information. In N05-08-07 he motioned to issue discipline in the form of a letter of reprimand and impose a civil penalty of \$1,000 for violation of 685.110 and 850-050-0190(6) in accordance with 850-050-0010(2)(a)(B), (E). In the matter of N05-09-08 he moved to dismiss, since no violation was found. In case N05-11-12 and N05-11-13 a motion was made to open an investigation into these matters to determine if any violation may have occurred. Dr. Edmisten seconded these motions and members of the Board were in agreement. The matter of Rick Lee (N05-10-11N) practicing without a license has been directed to the Department of Justice for action.

**Approval of Minutes:** Minutes from the October 3 meeting were not available for review prior to the meeting, therefore they will be held over for approval until the next meeting.

**Board Membership:** Ms. Walsh shared that Mr. McMillen was going to be tending his resignation to the Governor's office. Life changes have forced this decision. Dr. Marinelli asked that a letter of appreciation be sent to Mr. McMillen, all members agreed. Ms. Walsh reported that the Governor's office is continuing to work on appointments to the Board and will now be looking for two members. The person that was interested in appointment at the last meeting had to decline the position for personal reasons before being confirmed. Ms. Walsh asked all members to speak to people they know that may be interested and bring value to the Board.

**Administrative Rules:**

**OAR 850-010-0210:** This rule had been submitted for initiation but some changes were discussed so the date for comment will be extended. Changes include revision on research articles for credit; lessen the restriction on what research hours may be approved and the addition of pain management education.

**OAR 850-060-0225 and 850-060-0226 Formulary:** Rules were discussed and initiated at 10/06 meeting. No comments were received. Dr. Marinelli moved to adopt these two rules as permanent; KE Edmisten seconded and all members present were in agreement.

**OAR 850-040-0220 CE Program Approvals, Licensee submission:** This rule

will direct licensees in how to apply for credit in individual program requests. Dr. Marinelli moved to initiate rule-making, Dr. Edmisten seconded and all members were in agreement.

**OAR 850-040-0230 CE Program Approvals, Professional Development**

**Providers:** This is a new rule which directs providers on submission requirements for approval of repeat presentations and sponsored offerings. More discussion is needed before this can be initiated.

**Pain Management Education:** Discussion was held on where to best place this requirement. It will be submitted as part of OAR 850-040-0210.

**OAR 850-060-0212** was discussed. Paul Anderson, ND, Virginia Osborne, ND and David Milroy, ND asked to speak to the board if time allowed on the education required for EDTA chelation. Discussion on the educational content of presentations as part of the IV/EDTA chelation training was had. Dr Anderson shared written testimony to the Board for review. Dr Garcia shared that the content of the program must meet OAR 850-060-0212. If amendments to this rule are suggested they should be submitted to the Board in writing for consideration.

**Continuing Education Programs: Ethics Program Update:** Dr Garcia asked if there was a preference to holding this program 4/29 or 5/6 to prevent conflicts with other large offerings. The board decided to set the conference for May 6 and hold it at the Governor hotel. Ms. Walsh will help work on mailings, cost etc once speakers have been selected.

**Pain Management Program:** Dr. Marinelli is willing to ask the OANP if they would like to participate in this required education. The number of hours required by law was not specified. Dr. Marinelli will confirm the hours required. IT was decided that this program should start being offered in the fall 2006.

**Strategic Planning Update:**

**Standard for non-direct processes:** On hold

**Promoting Excellence in the Profession:** On hold

**Expedite Examinations:** Dr. Edmisten reiterated that she is asking every board member to submit four or five questions before each meeting to help increase the base of questions so exams can be offered more than two times a year.

**Scope of Practice:** This may be part of statutory changes being discussed by the Board.

**Legislature / Administration: Legislation:** Discussion was held on areas of concern as the statute is presently- some suggested amendments include 685.145 defining the formulary to bring into current practice standards. This would require a look at 685.01(3), 685.030(2). Dr. Marinelli said he would look into this. Discussion on establishing a diversion program in statute was held. Dr Garcia will see what the BME has and report back. Discussion held on the need to establish NDs as primary care physicians brought up the question of what does "primary care physician" mean? Is it an insurance term? Is required by hospitals? Dr Stargrove will do some research on what the definition of primary care physician is. Some housekeeping matters were discussed. Looking at the 685.125 (?) the natural childbirth statute to change Natural childbirth certified to include midwifery in conjunction with ND education. Changing the "secretary of the board" to Executive Director, cleaning up the examination statute to conform to national examination standards and report on other statutory changes that might be beneficial.

**Director Report:** Ms. Walsh shared that the OBNE along with seven other

agencies has been working on a consolidation of some shared administration and consolidation of the budget as was directed in a budget note from this last session. Ms Walsh along with the other agency directors working on a white paper to explain research done and best decision for all involved to DAS. Ms. Walsh reminded members that June 3-5, are the dates for the strategic planning session and that she has already found a facilitator and will work to reserve a location. Information will be shared at the next meeting. once decided upon before the next meeting. All members were reminded to clear their calendars for those days.

**Miscellaneous Business: Non-ND practice issues - RD Mitchell, Rita Krause and Rick Lee.** These names have been brought to the attention of the Board due to advertising and misleading representation of being doctors and qualified to practice in Oregon. RD Mitchell and Rita Krause are hoping to open space in Molalla. Ms Walsh has been in contact with Mr. Mitchell, Ms. Krause and the local paper to ascertain if further action is necessary. The complaint against Rick Lee has been forwarded to the Department of Justice for further action.

**Queries: Telephone Consulting:** A request to clarify the Board's position on a ND in Oregon prescribing and doing telephone consulting for persons outside Oregon. The Board reiterated that it believes the doctor patient relationship must start with a one on one face to face visit. IF the patient moves out of state a ND can continue to care for the person, as long as there practice does not require face to face contact.

**Board Chair:** The position of the Board Chair was discussed as recommended in June 2005. Discussion was held on the tasks when in the position of Board Chair - the responsibility to assure that all members voices are heard; Chair position is not to voice opinion but to make sure other Board members are heard and be impartial in helping the Board reach a decision. It was reiterated that the position of the Board Chair is not be used for political or personal gain. To change the Chair position at this time instead of waiting until the usual June appointment, allows the incoming Chair to avail the experience of the outgoing Chair as well as the outgoing Chair sharing valuable knowledge in like. Discussion was held on the importance of Board members remembering their role. Board members were again reminded that any person contacting them as a member of the Board asking for "board advice" or "Board determination or action" should be referred to the Board (office) for consideration as a whole. The exception would be in the instance when the Board has asked a member to represent the Board to speak on Board business. Dr Marinelli will take over as Board Chair at the February meeting. He will work with Dr. Garcia through the remainder of Dr. Garcia's term.

Further discussion on the Strategic Planning Meeting was held. It was decided that Ms. Walsh will look into accommodations in Astoria for the June 2006 strategic meeting. She will let the Board know specifics at the February meeting.

Board members were asked to stay and assist in going over last minute CE requests as the renewal deadline is quickly approaching.

As there was no further business to discuss the meeting was adjourned at 5:26pm.

Board members stayed until 6:10 to review CE.