

Oregon Board of Naturopathic Examiners
Board Meeting
August 7, 2006
Portland, OR

PRESENT: , Rick Marinelli, ND, Chair; Gregory Garcia, ND; Elaine Gillaspie, ND; Glenn Taylor, Public Member; Anne Walsh, Executive Director. There is one public member position open. Members are encouraged to contact out of metro area people they may know to apply.

EXCUSED: KE Edmisten, ND; Lori Stargrove, ND;

Dr. Marinelli opened the meeting at 8:37am. And took the Board into Executive Session at 8:37am pursuant to ORS 192.660(1)(f) relating to confidential matters of the Board.

Out of Executive Session at 9:57; and back into Public Session at 10:07am.

Executive Session Motions: Motions were made by G. Garcia in case N06-07-06 and in N06-07-07 open an investigation both these cases.

Approval of Minutes: The Board reviewed and approved the content of the minutes for the June 5, 2006 Board meeting with minor corrections. The Board approved the Strategic Session report as written, but wants to look at more self direction for the goals listed. A calendar and progress report will be prepared for the next meeting. Progress will be reported by leads for each.

Ms. Walsh was excused from the meeting at 10:20am (She returned at 12:00)
E. Gillaspie shared information on the American Association of American Midwives (AAAM). There will be a meeting August 8. Dr. Gillaspie will attend and report at the next meeting.

Administrative Rules: Initiation of rulemaking on the following rules: OAR 850-040-0210; OAR 850-040-0230; and OAR 850-040-0240. Motion to initiate rule making was made by G. Garcia. E Gillaspie seconded, all in favor. Thank you to Dr Stargrove for spending so much time to get these rules written.

Non-conventional Practice: Dr. Garcia presented a draft on non-conventional practices which he has been working on, which do not have customary guidelines or regulations as most acceptable standards of practice. He divided these practices into three areas: face to face communications (health stores, pharmacies, stores, etc); working in laboratories (may have communications, without actually seeing person); and electronic mediums. Questions: how many NDs are involved in any or all of these practices and what rules need to be written to address this? A survey to the profession will request feedback before rules are written. "Patient" will be defined in rule to eliminate any confusion. G Garcia will compose questions for the questionnaire.

Strategic Meeting: Discussion was held on the statute regarding criminal background checks. The Board wants to get it out to all NDs that the Board is going to start doing background checks. How this will be accomplished fairly has not been determined, but it will probably be random for all licenses over the next two years. Ms. Walsh will start to work on the composition of the rule that must be written before this can be initiated.

Actions from the strategic goals set are to go forward immediately: 1) Discussion of AAAM midwife info and changing OB certificate to Midwife (EG); 2) Direction of non-conventional practices (GG); 3) the initiation of rules pertaining to the addition of criminal background checks (AW); and 4) questionnaire to licensees to help Board in proactive approach to regulating practices in public protection.

Formulary: next FC meeting is September 27, the first meeting since last fall. Dr Marinelli asks Board to submit to him any formulary items that should be added or deleted to the formulary. Pseudoephedrine requires a prescription as of July 1. The Board discussed adding this by rule without going through the FC first. When Ms. Walsh returned to the meeting, she shared that legal counsel said it could not be added until it had been looked at by the FC. Discussion was held on malaria drugs as well. Some may be submitted to the FC for consideration.

Legislative Concepts: When the draft is received from Legislative Counsel, the only concepts with change will be **Concept 1** will remove “objectively” and **Concept 5** – will add \$5,000 to 685.110 civil penalties to be consistent with 685.990.

Director Report:

Budget: Discussion was held on the current budget status. It was determined that these reports would be provided to the Board in June and December/January each year and discussed at that time.

Exams: were proctored August 4. There was a low turn out. Only 45 compared to most years when there is up to 85. Ms. Walsh is not sure why this is, but learned it may be due to the number of dual license graduates taking the Acupuncture board in June and deciding to wait until 2007 to take ND exam.

Miscellaneous Business:

Sundari Delpini has advertised on the internet as a ND. She was sent a letter to stop this practice. She said she was going to stop using the designation ND until licensed. Ms. Walsh will contact Ms. Sundari to see if she has done as she said in June. If Ms. Sundari is still in violation a follow-up letter will clarify that she may jeopardize any future attempt to be licensed as ND in Oregon; and remind her that she can not use the designation “Dr.” per the doctor –title law in Oregon. Legal counsel will be asked about the use of ND designation in publishing, and then offering publications in-office (in Oregon).

Queries/Comments: Does the Board think that all NDS should be required by law to carry malpractice insurance: After discussion it was decided that this matter is a professional issue, rather than ethical issue and is not something the Board feels should be required by law. It is a concern that should be looked at by the professional association and Dr Buttler will be encourage to bring it to the attention of the professional association again.

Pubic Comment: Dr. Marzell commented on LC #4 regarding the addition of NABNE and NPLEX to the statute for examination purposes.

As there was no further business to discuss the meeting was adjourned at 1:40pm.