

**Oregon Board of Naturopathic Examiners  
Board Meeting  
February 5, 2007**

**PRESENT:** , Rick Marinelli, ND, Chair; Gregory Garcia, ND; Elaine Gillaspie, ND; Glenn Taylor, Public Member; KE Edmisten, ND; Lori Stargrove, ND; Yi-Kang Hu, PhD, Public Member; Johanna Matanich, AAG; Anne Walsh, Executive Director

Dr. Marinelli opened the meeting at 8:39am.

Dr. Marinelli took the Board into Executive Session at 8:40

Dr. Marinelli took the Board out of Executive Session at 12:55pm

**Executive Session Motions:** A motion was made by KE Edmisten ND to open an investigation into N07-02-01 regarding licensure; and in N06-12-10 to open an investigation regarding the release of patient records.

**Approval of Minutes:** The Board approved the minutes from the October 2, 2006 and the December 4, 2006 meeting.

It was noted that the matter of the inmate requesting naturopathic medical care was not resolved after the December meeting and the matter of conflict if there is a financial benefit offered to members of the professional association when attending programs being submitted in conjunction with the Board. (Situation in which OANP members are given a discount when attending a conference. These items will be placed on the April 2 agenda. Note: Natural medicine must be defined in statute; it can not be defined in rule.

**Administrative Rules: "Patient"** – Language was reviewed for consideration of initiation into rule. The language will become part of OAR 850-010-0005 Definitions. "Patient" means any person who is examined, treated, or otherwise provided naturopathic medical services, whether or not the person has entered into a physician-patient relationship or has agreed to pay a fee for services, will be submitted to the Secretary of State for initiation and proposed to all interested parties for comment. G. Garcia moved to initiate rule making; E. Gillaspie seconded, all members were in favor. Many thanks to Dr. Garcia for his work on this rule.

**Background checks-** Discussion continued. Ms. Walsh submitted questions to the BME and OBCE. The response from BME was shared and discussed. L. Stargrove asked to be on the record as opposed to fingerprinting as part of a background check. BME requires fingerprints for new applicants, those reapplying from an expired status and doctors under investigation. The Board still holds discretion as to who is required to get fingerprinting done. Fingerprinting can be done by the Board's agency of choice, but the background check must be done by the Oregon State Police (OSP). BME charges MD for fingerprinting, but BME pays for the background check. Questions on how the request is determined are left to a case by case basis to be decided by the Board.

Ms. Walsh will work with legal counsel on language, using the BME as a model, for a future meeting and discussion will continue.

**STRATEGIC PLANNING UPDATES:** **Natural childbirth/midwifery certification update-** E. Gillaspie shared that this discussion is on hold until at least the 2009-2011 legislative session.

**Questionnaire on Practice Issues:** Ms. Walsh shared that there has been an incredible response (approximately 600 from 725 renewals). There are another dozen responses that need to be entered into the spreadsheet (excel and access). G. Taylor is willing to work on compiling the information in to useable information for the next meeting.

**Legislation:** Ms. Walsh is tracking several bills: HB5029 is the Board's budget, which is tentatively schedule fro February 19. SB205 through SB209 are scheduled to be heard February 14. To date there is no known opposition to these bills. SB231 was initiated by Rick Lee, a non licensed person presenting to be a naturopath in Oregon. This bill wants "traditional naturopathy" to be allowed without license in Oregon. Rick Lee has filed a Tort claim, which gives the Board notice that he is preparing to sue the Board. No action has been taken to date.

R. Marinelli shared information on a couple of bills he has heard about. One by the OBCE would require 500 hours for anyone to do manipulation. This is not a problem for NDs, but physical therapists (PT) may challenge this. The PTs have a bill asking for complete and exclusive use of the term physiotherapy. It is in our statute already. The OANP is working on a change to our statute more clearly defining naturopathic physician and a bill regarding worker's compensation.

#### **Director Report:**

**Budget:** DAS denied the policy package that would reclassify the Executive Officer position to a Principle Executive Manager, but did approve the reclassification of the OS2 to an Administrative Specialist 2. This will greatly help in hiring someone with the higher skill levels needed to make a difference in the office. Budget hearing is scheduled for February 19. The Psychologist Examiners Board had a hearing last week and was also denied the reclassification of the Executive Officer (EO) to a Principle Executive Manager (PEM). This matter came before the committee. There is concern that small Board will not be able to hire and retain qualified directors with the jobs classified in an obsolete class. A note was to be added to that budget to make sure something has been done about it. This brings a spark of hope for the other 9 agencies faced with the denial of this same request.

**Examinations:** State exams will be held February 9. There are 8 taking the exam in Portland, two taking the exam in WA and one taking the exam in BC.

**NPLEX Pharmacology review:** NABNE will provide pharmacology exam questions to OBNE for the April meeting. Once the exam has been reviewed the OBNE will decide if it covers the same topics as our state formulary examination before taking any action on further formulary exams. There was concern expressed that it has taken so long to get this in motion and hopes this review will bring a positive outcome.

**Administration:** With the assistance of L. Stargrove interviews were conducted over a couple of weeks. The position was offered to an applicant who accepted the position, even though it has not been approved for reclassification at this time. He is expected to start February 12.

**New license certificates:** a new format for licensees was shared. This will allow NDs licenses to be issued without disclosing mailing address (sometimes the ND has

mail sent to home, this way it will remain secure when the license is posted in the office. The Board accepted the new format.

**Pain Management Online:** A letter from Joyce Young, ND expressed concern that the online program created promoted inaccuracies regarding naturopathic care. Ms. Walsh will send a note acknowledging the board's awareness of this issue.

**Board Chair appointment:** Rick Marinelli was reappointed as Board Chair by unanimous vote.

**Miscellaneous Business:**

**Pamela Staton (non-ND):** This person was notified by the Board in **2000** that she must have a license to present herself as a naturopath. She is continuing to use naturopath in her advertising. With the statutory change Ms. Staton will be notified that the Board will proceed with action against her if she does not cease and desist presenting as a naturopath.

**What are inmate rights to ND services:** This will remain on the agenda until an answer has been determined.

**Public Comment:** No public comment was offered.

As there was no further business to discuss the meeting was adjourned at 2:25.