

Oregon Board of Naturopathic Examiners
Board Meeting
June 4, 2007

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

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

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

Dr. Marinelli took the Board out of Executive Session at 11:06am.

Executive Session Motions: Dr. Gillaspie moved to allow licensee to apply for DEA registration and the limitation for prescribing shall be removed after August 2, 2007 in case N01-07-02; seconded by Glenn Taylor and approved by all. Dr. Gillaspie moved to dismiss the current complaint in N06-12-01; seconded by Dr. Stargrove and approved by all. Dr. Gillaspie moved to dismiss N07-03-04 without further action; seconded by Dr. Stargrove and approved by all.

Approval of Minutes: Dr. Edmisten moved to approve the Board Meeting minutes from April 2, 2007. The motion was seconded by Dr. Gillaspie and approved by all.

Strategic Planning Meeting Updates: On June 3, 2007 the Oregon Board of Naturopathic Examiners held there strategic planning meeting to review the June 2006 meeting goals to determine if the six goals were on track or if some should be removed or others added It was agreed to move the 2nd goal (semi-independence) to the end for the time being, as well as relook at the natural childbirth renaming until the 2008 strategic meeting. If the Board remains in track the strategic meeting weekend could be shorter. A motion was made by Glenn Taylor to endorse all changes made to the six goals, which will be published in a summary form by the August 6, 2007 Board Meeting. This was seconded by Dr. Gillaspie and approved by all.

Administrative Rules: **OAR 850-10-0005** defining patient and modifying the definition of non-poisonous plant substance and plant substances was adopted as permanent after discussion of comments submitted by David Young ND. This new definition of "patient" closes the "escape clause" that if a patient is not in a Doctor's office then they are not the Doctor's patient. This binds the Doctor to their advice in any situation whether it is through the internet or traditional means. A motion was made by Dr. Gillaspie to adopt OAR 850-10-0005 as permanent; seconded by Glenn Taylor and approved by all.

OAR 850-30-0020 which allows state and nation wide criminal records checks and fitness determinations was proposed for adoption after discussion on the comments submitted by David young ND and Shane Riedman, Investigator. Dr. Young's concern is that this is "going way too far"; Mr. Riedman felt the rule did not go far enough. Their comments are available from the Board office. There was discussion on personal opinion of a rule and the Board's responsibility to act in the public good, even when there may be a conflict. Some Board members are not comfortable with this rule, but feel it is in the greater good of the consumer. A motion was made by Glenn Taylor to adopt OAR 850-30-0020 as permanent' seconded by Yi-Kang Hu; Dr Stargrove opposed the motion, but it was approved with the yes vote of all other members.

OAR 850-60-0225 and OAR 850-60-0226 was moved for adoption as permanent by Dr. Gillaspie; seconded by Dr. Edmisten and approved by all.

There was dialogue involving the need to revamp OAR 850-30-0195 as a loophole was discovered in which Doctor's who have expired licenses in Oregon want to be reinstated through reciprocity and not through the traditional channels of making up the CE and paying the appropriate fees or retaking the NPLEX and State exams. Ms. Walsh's proposed action is for the Board to work on new language to clarify the rule.

There was discussion relating to the language in ORS 685.160 which governs who may be appointed to the Board. Dr. Stargrove commented on the need to more clearly define the terms "practiced continuously. Ms. Walsh will work with Dr Stargrove on this rule to give a better idea of who the Board is looking for as members.

Ms. Walsh proposed a possible rule that would pertain to a violation of filing a false complaint report at the request of the Board's investigator. Yi-Kang Hu noted that presently the Board does not have jurisdiction over non-naturopaths filing complaints, and that a rule encompassing complainant actions would be ineffective. Dr. Srargrove suggested the addition of a perjury clause to the complaint form as a deterrent against filling false complaints.

Budget Report for December June: Ms. Walsh presented the Gross Revenue for the Board from December through June; revenues are higher than expected due to receipt of interest on the board account; and expenditures are down in part because of the vacant administrative position for more than one year.

Renewal Survey Report: Glenn Taylor reported on the outcome and the overall logic of the survey. There was discussion about putting the survey online next year and looking at the value of the questions asked, and what might be better in the future. The public will be presented the information in the fall of 2007 in some format.

Miscellaneous Business: Unlicensed Complaints – Pamela Stanton (N06-12-11N)

A notice of proposed civil penalty and opportunity for hearing was issued; she did not respond in the time allotted and a Final Order by Default will be issued.

Ralph D Mitchell (N07-03-02N) was sent a notice of proposed civil penalty and opportunity for hearing. He has officially requested a hearing.

David Simpkins (N07-03-03N) Mr. Simpkins responded to an inquiry sent by the Board; his answers were not clear and so the investigator took over the matter. It was recommended after the completion of an investigation that Mr. Simpkins be offered a consent order in which he will not represent himself as a Naturopathic Doctor. Glenn Taylor made a motion to adopt the recommendation; seconded by Dr. Stargrove and approved by all.

Inquiries: Is photophoresis is within the scope of practice? After discussion the Board decided that photophoresis was within the scope of practice.

Use of "specialty" or "specialist" in advertising. Dr. Stargrove suggested the board should make sure a doctor is responsible for their own advertising and that any specific language be discussed with the practitioners legal counsel and refer to ORS 685.110(22).

New Business: There was discussion about the manner in which the Board of Medical Examiners shares information on complaints and how it might be relevant to the Board's intent on keeping NDs informed of complaint s and actions when possible. **Designated**

Media Contact Person - There was discussion on who should be the media contact person. It was agreed that the media should go through the Board office and speak with the Executive Director. In the chance that she is not available, the Board Chair would be the next in line to fulfill this duty. Due to the circumstances, surrounding previous media contact and coverage of the Naturopathic profession, it was decided that Ms. Walsh would send a letter to the Tribune asking for a clarification of the inaccurate information published concerning the colchicine deaths. Glenn Taylor made a motion to use the Executive Director as the primary media referral point and when needed the Board Chair would fulfill these obligations; seconded by Dr. Stargrove and approved by all.

There was also a motion made by Dr. Stargrove to allow the Board Chair and the Executive Director the power to call emergency Board meetings. This was seconded by Dr. Edmisten and approved by all.

Public Comment: No public comment was offered.

As there was no further business to discuss the meeting was adjourned at 2:45.