

Oregon Board of Naturopathic Examiners
Board Meeting
August 6, 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 8:30

Dr. Marinelli took the Board into Executive Session at 8:35

Dr. Marinelli took the Board out of Executive Session at 11:20am.

Executive Session Motions: Glenn Taylor moved to open investigations in case numbers N07-06-05, N07-07-06, N07-07-08; seconded by Dr Gillaspie and approved by all.

Approval of Minutes: Dr. Gillaspie moved to approve the Board Meeting minutes with the assumption that all grammatical errors will be corrected from June 4, 2007. The motion was seconded by Dr. Edmisten and approved by all.

Strategic Planning Meeting Updates: Dr. Marinelli proposed that a more polished document concerning the six goals would be brought to the next board meeting for discussion.

CE Program Development: Dr. Marinelli proposed that the board provide continuing education in pharmacology or possibly an ethics update. The need for more pain management education was brought to the board's attention by Ms. Walsh. Dr. Marinelli proposed that a board member present current board issues as a possible topic for CE program development. Dr. Stargrove noted that the presenter should take current board issues and relate them to ethics. Dr. Marinelli asked to have proposals by October for discussion.

Administrative Rules: 850-030-0195 which allows N.D.'s who have an expired license in Oregon to reapply through reciprocity and forgo fulfilling their CE requirement and paying the appropriate fees, given they are licensed in another state. Ms. Walsh noted that there is a need to redefine "expired license". It was decided that Dr. Stargrove and Ms. Walsh would work on language to redefine "expired license" and bring a proposal to the next board meeting.

850-030-0020 which allows state and nation wide criminal records checks on licensees. There was discussion on the need to run criminal checks randomly on licensees or just on new applicants. Dr. Marinelli posed the question as to how the board could not run criminal record checks when there are checks being run amongst other professional communities. The board consensus is to run criminal record checks on all new applicants. Glen Taylor made the motion that the board implement OAR 850-030-0020 starting January 1, 2008 on all new applicants to the state. The motion was seconded by Yi-Kang Hu and approved by the majority. Dr. Stargrove was opposed and Dr. Marinelli abstained. Licensees will be put on notice. This information will be sent to the schools for new graduates to know.

Investigative Process Inquiries: Ms Walsh posed the following questions for clarification to the AAG. Does the board, in a meeting, need to open an investigation to talk to a ND when trying to gather facts to bring to the board regarding an investigation? Can the board director allow the investigator to gather facts before the investigation has

been officially opened and assigned a number? The AAG noted that these issues were outlined in chapter 676 of the Oregon Revised Statutes. The AAG explained that once you take action on a complaint to investigate it you are in fact investigating it.

Dr. Marinelli posed the inquiry to the AAG as to how the board could close any loopholes regarding the language around diagnosis and assessment for a naturopathic practitioner? Dr. Marinelli noted that 850-010-0005 may revert to the BME's statute 675 regarding diagnosis. The problem is that non-naturopaths are using electrodermal screening to assess and diagnose. It was determined that the board has jurisdiction over naturopathic practices such as electrodermal screening and it seems that this modality falls under this circumstance.

Director's Report: *Investigator position-* Ms. Walsh is working to get the temporary investigator position classified as limited duration, as part of the process to make it a permanent position with the 2009-2011 budget. *Legislation* passed will become effective January 1, 2008.

Miscellaneous Business: *Unlicensed Practice:* **RD Mitchell (N07-03-02N)** – requested a hearing which is set for September 27; **Pamela Staton N07-03-03N** – Civil Penalty by Default was issued XXXX, for \$5,000; **Rowan Nirmaier (N07-07-09N)**, **Pacific Health Center Monty Kline (N07-07-10N)** are currently being investigated by the Board for violation of presenting to practice and practicing naturopathic medicine without a license

Inquiries: *Can a ND do cosmetic surgery including BOTOX and light laser therapy?* Yes, it is within the scope of practice as long as the doctor has the education and training in the protocol being performed.

Does the Board have a position on treating the partner of a patient that is being treated for STD? The Board believes a doctor should see each patient. Community Health Agencies/Centers may offer such services, but a ND should see a patient before prescribing medication.

Survey results have been compiled and will posted to the web site.