

Oregon Board of Naturopathic Examiners  
Board Meeting  
February 4, 2008

**PRESENT:** Rick Marinelli, ND, Chair; Glenn Taylor, Public Member; KE Edmisten, ND; Yi-Kang Hu, PhD, Public Member; Michelle Homer, ND; Johanna Matanich, AAG; Shane Riedman, OBNE Investigator; 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.

**Approval of Minutes:** minutes from the December 3, 2007 and January 14, 2008 Special Telephone meeting were approved. Motion was made by G. Taylor; seconded by M Homer;

**Executive Session Motions:** a motion was made by G. Taylor to close N07-11-15, as there was no violation found.

**Unlicensed Practice Violations:** *N07-10-14N* Ricky Lee continues to operate a web site advertising naturopathic services. This after signing an AVC with the Department of Justice, effective June 2006. Many pages on his web site claim that Mr. Lee practices what Naturopathic physicians practice, but he is not licensed. A motion was made by Y. Hu to issue a Notice of Civil Penalty against Mr. Lee; M. Homer seconded and all in attendance were in agreement. Ms. Walsh will issue this notice.

*N08-01-01N*, Jennifer Casey- She has a doctoral degree from NCCM, is licensed as a massage therapist, but holds no license in Oregon, which would allow her to refer to herself as a "doctor". She is in violation of ORS 676.110 and 676.120 (Doctor Title Law). Authority to enforce these statutes lies with the District Attorney (DA). This will be referred to the Clackamas County DA, since she is practicing in Lake Oswego.

Board took a break at 11:14. Back into public session at 11:21

**Director's Report:**

**Renewals** – To date of the 790 renewals sent out, 9 requested their license be allowed to lapse and there are 20 that have not responded to multiple notifications. These will expire permanently April 1.

**Budget** – Semi-annual reports were reviewed; Ms Walsh explained that although the renewal fee will become annual in 2008, the loss of revenue will not affect the 2007-09 budget, as cash reserve is sufficient to hold the Board. By 2009, the Board will be in new budget cycle. The 10% increase to the agency heads by the Governor is covered by the empty administrative position.

AAG costs are higher than usual for this time of the biennium. That is due to the number of cases requiring legal review.

Ms. Walsh recommends there be no strategic meeting this year, to be sure there is not a cash flow problem in the last part of the biennium. G. Taylor spoke to the importance of the Strategic Planning Retreats (SPR) for working on the best practices established by the state. Ms. Walsh said she hopes to have a policy package for the SPR and/or Board sponsored conference with the new budget.

Currently, the investigator is paid out of professional services. With a policy package in 2009-2011, this position will become part of personal services as a permanent employee.

**Director's classification** - DAS will be abolishing the Executive Officer classification and reallocating these positions to other classifications. Ms. Walsh and the Board Chair will work with DAS to define the responsibilities relevant to the position today.

**Examination applications/background checks** – There are 15 applications for the examination February 8, who will be the first group of applicants required to have a background check before licensure.

**Investigator Position** – Shane Riedman is leaving to take other full time work, but he is working with the Director to find a suitable replacement in a timely manner.

**Administrative Assistant Position** - There are several good applicants.

**Conference room 445** – A final plan to expand the conference room has been submitted for consideration by DAS Facilities. The cost to do this renovation will be about \$3,000 and split between eight agencies, so, it will not affect have a significant impact on the Boards budget.

**Request to Address the Board regarding the investigative process:** R. Marinelli notified all in attendance that all comments must relate to the Board's process in investigations and not to any specific past or present investigations. Lori Marzell, ND spoke to her concern that the Board has been conducting investigations outside its authority by requiring more information than they may need. She shared a hypothetical case in which records were requested that were not necessary as part of an investigation.

Margo Nissley-Abshier, ND spoke to the constitutionality of the Board to investigate. She provided the Board with written testimony, which is available upon request as part of these minutes.

No one else requested to speak.

**Administrative Rules:** Discussion was held on the drafted language for amendments to **850-030-0195**, and **-030-0020**, **-030-0035**, **-030-0090**. Comment was received on 850-030-0195 and accepted after the deadline; hence, comment was opened up for another week to all interested parties. If comment is received, it will be presented to the Board members and if possible, a special meeting will be set to discuss any comments and adopt the amendments as permanent. The renewal fees would become annual for all licenses; a lapsed (expired) license will be limited to 12 months to reinstate, before being required to reapply for a new license in Oregon. Discussion was held on comments received regarding the amendments to **850-050-0120**, which will clarify illegal practice as defined in ORS 685.020 as well as change some dated terminology. The comment period will be opened on this rule for another week as well. All of the above amendments will be adopted at the same time.

**Formulary Report:** The recommended additions to the Formulary compendium will be adopted into rule, effective upon adoption by the Secretary of State. G. Taylor moved that the additions to **850-060-0225** and **-060-0226** be adopted into rule; seconded by M. Homer and approved by all present board members. Ms. Walsh will submit this for adoption.

**Child Abuse Reporting** – Dr Hinton asked that the Board look at this rule again, since all licensees must be notified every two years on this and he would like to Board rot address that. It is currently posted on the Board's web site. After discussion, it was

determined that this will be referenced on the annual renewal, using the language suggested by DHS, therefore giving notice annually.

**General Business:**

**CE Programs: May 2008 Seminar:** K.E. Edmisten spoke to the May seminar. It will be a morning session on May 10. It will be held at the Red Lion Janzten Beach.

**AANP convention:** M. Homer will work with the AANP as the Board's representative in reviewing abstracts for the 2008 convention.

**Performance Measures:** G. Taylor inquired about these as part of the best practices and proactive role of the Board and wonders if these should be part of a future SPR. He also recommended that additional time be dedicated at a future meeting for the CE rule revision, when that time comes.

**Federation of Licensing Board:** This program has fallen through the crack and with the growth in licensing; Ms. Walsh believes this is an important organization to encourage. She is willing to provide time, after hours to work towards reestablishing this organization. The Board is supportive.

**Miscellaneous Business:**

**"Energy Medicine"** – letter from the WA state District Attorney indicates that these devices are unproven and manufacturers should state that. These are considered class II medical devices and only licensed health care professionals should use them. Manufacturers should be held to requiring verification of legitimate licensure before selling to unlicensed persons, such as Monty Kline of Pacific Health Center.

**Appointment of Board Chair:** G. Taylor nominated Rick Marinelli and moved to keep him as Board Chair, it was seconded by KE Edmisten; all members present were in agreement.

The Board went back to executive session to finish executive session business at 1:10pm.

Board was returned to public session at 1:40pm.

As there was no more business to discuss, the meeting was adjourned at 2:00pm.