

Oregon Board of Naturopathic Medicine
Board Meeting
February 1, 2010

PRESENT: Glenn Taylor, Public Member, Chair; Rick Marinelli, ND; Donna Beck, ND; Sara Ohgushi, ND; Patrick Chapman, ND; Yi-Kang Hu, PhD, Public Member; Anne Walsh, Executive Director; John Laws, Investigator

Executive Session: **N99-03-01**, R. Marinelli moves to extend probation for ten years with periodic consideration by the Board. D. Beck seconded, motion passed unanimously. **N08-07-16**, R. Marinelli moves to dismiss, S. Ohgushi seconded, motion passed unanimously. **N09-12-25, N10-01-01**, R. Marinelli moves to open an investigation, P. Chapman seconded, motion passed unanimously.

Non-ND investigations: **N09-05-11N, Kurytka** – update from last June, issue was referred to the Board by the Physical Therapy Board. Individual was accused of practicing naturopathic medicine. Investigation determined Kurytka was selling herbs out of his office. The Board had discussed the issue in June and decided to dismiss but motion was not made at that time. R. Marinelli made a motion to dismiss, D. Beck seconded, motion passed unanimously. **N10-01-02N, Eide** – Complaint was received that an alternative medicine clinic that dispenses medical marijuana cards was selling marijuana illegally. Medical Board has the same complaint pending before it. J. Laws will inform the Board of any action taken by the Medical Board. R. Marinelli made a motion to open investigation, D. Beck seconded, motion passed unanimously.

Meeting Minutes: - December 7, 2009 minutes were approved as written.

Administrative Rules: **OAR 850-005-0190** – Board Compensation. G. Taylor explained that the compensation has not changed in many years. The Director worked with Y. Hu to draft the new rule. Y. Hu explained that the compensation had been discussed previously and it was approved at \$100 per day, and \$30 for partial meetings lasting less than three hours. The second section explained that compensation will be in addition to any other reimbursements (travel and other expenses). The last section allows for compensation to be turned down if so chosen. The Board discussed what other boards have set as compensation. R. Marinelli made a motion to initiate rule making, P. Chapman seconded. R. Marinelli asked Y. Hu about the Formulary Council representative's compensation and whether separate clause should address the issue. The rule as written was deemed to be sufficient. Motion passed unanimously.

OAR 850-060-0220 – Allows ND's to prescribe to the partner of a patient with a sexually transmitted disease under the Expedited Partner Therapy (EPT) program, without a patient visit. R. Marinelli made a motion to adopt the rule as initiated, D. Beck seconded. R. Marinelli suggested changing language to include "dispense, administer and order" as well as prescribe. Discussion followed about whether to amend the rule and re-initiate rule making, or to adopt the rule and initiate a new rule making process for the clarifying language. R. Marinelli made a motion to amend language on the rule to include "ND has authority to prescribe, dispense, administer, and order", no second, motion failed. After discussion, the original motion to adopt the rule as initiated passed unanimously. R. Marinelli made a motion to initiate rule making to amend the rule to include "administer" for clarification; P. Chapman seconded, and the motion passed unanimously.

OAR 850 – The director will initiate a housekeeping process to correct the Board's name change throughout OAR 850. The director has the authority to change un-substantive words in the rules without initiating change through the rule-making process.

General Business:

Appointment to Formulary Council: R. Marinelli has served as the representative to the formulary council for the Board and as his Board appointment is ending, the Board must appoint a replacement. R. Marinelli explained what the commitment entailed and the current issues before the council. P. Chapman expressed interest. R. Marinelli moved to nominate P. Chapman to be the Board's representative on the Formulary Council, D. Beck seconded, the motion passed unanimously.

POLST (Physician Order for Life Sustaining Treatment): Currently ND's cannot sign POLST orders. R. Marinelli explained how POLST has been expanding over the last ten years to include nurse practitioners and physician assistants. The Board would need to formally present ND scope of practice to POLST task force and have them amend their rules to include ND's. G. Taylor asked D. Beck to coordinate with M. Homer and G. Eckel to follow up on this issue.

New Board Member: Dr. Greg Eckel, ND, L.Ac., was present as a guest at the meeting. He will be formally appointed on February 9th and replace R. Marinelli on the Board at the April meeting. G. Eckel has been in practice for eight years and currently practices in Portland. He has previously board experience from serving as the second vice-president of the OANP.

Prescription Drug Monitoring Program (PDMP): The program is designed to give greater oversight by state and federal officials on the dispensing of prescription drugs. R. Marinelli explained that there are some pros and cons to the issue. A pro being the physician's increased ability to monitor their patients and prevent multiple prescriptions and/or abuse of prescription drugs and criminal activity. A con is the concerns regarding the patient's expectation of privacy. R. Marinelli explained that the database is being set up to allow physicians to sign-in and check only their patient's records and not others. The program is administered by the Prescription Drug Monitoring Advisory Commission, on which the Board has a seat. R. Marinelli has been the Board's representative and will report back to the Board throughout the calendar year. Tentative date for release of the database is June 31, 2010. PDMP is funded through fee on prescribing physicians and a DEA grant. This physician fee was initiated with the 2009 license renewal.

Best Practices: Each Board member was given a yearly survey on the Board's practices. G. Taylor explained that an update of practices will be discussed at strategic retreat; he then led the discussion and explanation of each item. Board members completed the survey and gave them to the Director.

Rules: One of the goals for the strategic retreat is to spend time reviewing OAR 850 for ways to clarify and improve the language of the rules.

Press Release: R. Marinelli wrote a press release for the Board regarding the formulary change that took place on January 1, 2010. With the Board's approval Ms. Walsh will send this press release out.

Director's Report:

Strategic Retreat: The retreat is tentatively scheduled for June 12 thru 14. Last strategic retreat was held in 2006. G. Taylor explained the general format and time schedule for the retreat. The Board will discuss its goals for the next legislative cycle. G. Taylor explained the benefit of using a moderator to keep discussions focused and productive. A. Walsh is still researching locations and a facilitator. A. Walsh explained that any guest's expenses are not covered and neither are any alcoholic beverages. She hopes to have some solid information to share at the April meeting.

Investigator: A. Walsh will be attending the special February session to request authorization for a permanent part-time investigator position as required in a budget note with the 2009-2011 LAB.

Budget Update: The budget will need to allocate money for the investigator position, if it is approved at the 2010 Legislative session. G. Taylor walked the Board through the budget for major revenue sources and expenditures.

Federation of Naturopathic Physicians Licensing Authorities (FNPLA): Association of state licensing agencies. A. Walsh wanted to spend some time reinvigorating interest in states joining an association to coordinate the regulation of naturopathic medicine. Association would discuss the differences and similarities between the regulatory boards and look for ways to better coordinate license requirements and standards nationally. The Board agreed to the need, but was clear that it may take more time than Ms. Walsh believes it will require to get started.

Miscellaneous:

Recognition of Service: The new Board Chair, Glenn Taylor, recognized R. Marinelli's service and hard work for the Board and the naturopathic profession. He has served on the Board since 2003 and as Chair of the Board since 2006. His expertise, enthusiasm, and determination will be missed.

Mandatory Reporting: Discussion began about the language of a rule requiring licensees to report to the Board within 30 days, any arrests, convictions, or violations. Discussion followed about which section of the rules would be the best to amend. Y. Hu will work with Ms. Walsh to draft a rule to consider at the next meeting.

Peer Review Committee: R. Marinelli suggested that the Board send a formal request for the Peer Review Committee to meet and review rules and procedures. R. Marinelli gave hypothetical examples of situations that could be better addressed through the Peer Review Committee. This issue will be on the Board's April agenda.

Public Comment: None

As there was no more business to discuss, the Board adjourned at 1:37pm.
Board members worked on CE after the close of the meeting.