

Oregon Board of Naturopathic Medicine
Board Meeting
April 5, 2010

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

Executive Session Motions: **N09-09-20** – M. Homer moved to issue letter of reprimand with civil penalty of \$6,000. D. Beck seconded, motion passed unanimously. **N10-02-3A** M. Homer moved to issue the license with a letter of reprimand, D. Beck seconded, motion passed unanimously.

Non-ND investigations: **N10-01-01N, Eide, Donna** –this complaint is about an individual presenting herself as a naturopathic doctor. The complainant is under investigation along with this individual by medical board. Since the medical board is investigating, there is no action is required by the Board. M. Homer moved to close case, D. Beck seconded, motion passed unanimously.

Meeting Minutes: - February 1, 2010 minutes were approved as written.

Administrative Rules: **SB2118** – Legislature passed SB2118 (HB2059), which mandated the Board to create a rule requiring licensees to report unprofessional conduct by any medical professional. Discussion centered on how to create language for the rule without exposing physicians to erroneous complaints or abuse. There was some uncertainty whether the statute required a new rule to be written, A. Walsh is to confirm and report to the Board members.

OAR 850-050-0120 – Duty to self-report – Y. Hu wrote the language for a proposed rule requiring licensees to immediately report to the Board any legal issues. D. Beck moved to initiate rule making, M. Homer seconded, motion passed unanimously.

OAR 850-060-0220 – Authority to prescribe – Rulemaking was initiated at the last Board meeting to add “administer” to the rule. There was no public comment. D. Beck moved to adopt the rule, P Chapman seconded, motion passed unanimously.

OAR 850-005-0190 – Board Compensation – Rulemaking was initiated at the last Board meeting to set the amount of compensation Board members would receive for their participation on the Board. There was no public comment. D. Beck moved to adopt the rule, S. Ohgushi seconded, motion passed unanimously.

General Business:

Formulary Council Update: P. Chapman, the Board’s representative, explained that much of discussion during the Formulary Council meeting was about the 2009 adoption of the AHFS guidelines as the basis of the current formulary. The council wanted to clarify what was on the formulary list. The council suggested posting reference materials for ND’s on the OBNM website. The only clearly excluded drugs are; anti-psychotic; anti-neoplastic, with a few exceptions; and barbiturates. A discussion followed about the difference between an exclusionary and an inclusionary formulary and whether the impetus for changing it lies with the Board or the professional association. The consensus was that the Board should not prompt for any change in the formulary unless there is a public safety issue to be addressed. P. Chapman, on behalf of the Formulary Council recommendation to the Board, moved to amend 850-060-0226 to clarify several drug categories. P. Chapman moved to amend the rule, D. Beck seconded, motion passed unanimously.

Prescription Drug Monitoring Program (PDMP): – A. Walsh explained that the disbursement of the PDMP fee, that was required of all active licensees, was made to the PDMP advisory committee.

The PDMP advisory committee is in the process of collecting funds from participating agencies to create a budget plan for the following year.

AANP Convention: The AANP has requested a Board representative to sit on their convention selection committee. This person would assist in selecting the continuing education content for the annual convention. There was a discussion about any possible conflicts of interest between a Board member on the convention committee being involved in the CE approval process, and it was determined that the Board member on the committee would not directly approve the conventions CE. It was determined that the Board would advise the convention committee on CE rules and statutes but would not assign a Board member to the committee.

CE "Professional level": G. Taylor tabled this agenda item until the Board's retreat to give ample time for discussion.

Legislative Concepts: 2011 legislative concepts are due by April 9th. The discussion surrounded what situations would necessitate a legislative concept such as revising the ND's statutes, versus things such as revising other agencies rules to include ND's as physicians, which would not require a legislative concept. After the budget discussion it was determined that there was a need for a legislative concept that allowed for recovering the costs of hearings. G. Eckel moved to initiate this legislative concept, S. Ohgushi seconded, motion passed unanimously.

Director's Report:

Budget update: A. Walsh put together budget estimates for 2011-2013. To allocate funding for anything a policy package must be submitted. A. Walsh explained the process to securing funding for the investigator position. A. Walsh explained that the Boards computers are becoming outdated and a policy package will be put together to request funding to update them. A. Walsh will continue to work to secure funding for the yearly board retreat.

DOJ: A. Walsh explained the need to pay the increased cost of hearings at the revised DOJ amount. A. Walsh will submit a request to the emergency board to increase the budget limitations for hearings and AAG costs.

Strategic Retreat: The Board will be having its annual retreat on June 4-7. G. Taylor distributed examples of discussions from previous retreats to prepare the Board members for the upcoming strategic retreat. G. Taylor explained the agenda and time schedule to the Board members.

Miscellaneous:

Malpractice: Legislation that was passed in the previous session mandated certain health licensing agencies to report to a national practitioner database all malpractice claims against licensees. The Board will comply.

Public Comment: None

As there was no more business to discuss, the Board adjourned at 1:45pm.

Board members worked on CE after the close of the meeting.