

NOV 5 2009

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on September 28, 2009
by the _____
Date prior to or same as filing date.

Oregon Board of Naturopathic Examiners _____
Agency and Division Administrative Rules Chapter Number

Anne Walsh _____
Rules Coordinator Telephone

800 NE Oregon St., Suite 407, Portland, OR 97232 _____
Address

to become effective January 1, 2010 Rulemaking Notice was published in the September 2009 *Oregon Bulletin*.**
Date upon filing or later Month and Year

RULE CAPTION

Incrementally increases CE through 2013; reduces restrictions on number of hours and areas of study
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

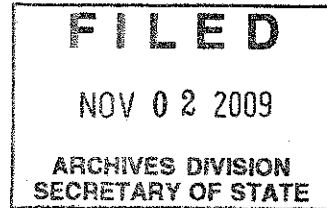
ADOPT:

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND: OAR 850-030-0195; 850-035-0230; 850-040-0210
REPEAL:

Renumber:

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.



ORS 685.125 _____
Stat. Auth.: ORS

Other Authority

ORS 685.102 _____
Stats. Implemented: ORS

RULE SUMMARY

Incrementally increases CE hours from 25 annually to 50 CE hours annually in 2013. Removes many restrictions on the number of hours obtained in one subject area and sources by which hours may be obtained. Requires 2 hours of ethics CE annually and 10 hours of pharmacy CE annually starting with the 2010 renewal cycle.

Authorized Signer

11/02/2009
Date

Anne Walsh
Printed name

*Copies include a photocopy of this certificate with paper and electronic copies of each rule listed in the Rulemaking Action.
**The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.
ARC 930-1997

850-030-0195

License Renewal Requirements

All Naturopathic physicians licensed under ORS Chapter 685, whether active or inactive or retired must complete an annual renewal form furnished by the Board. Specific requirements for each license status, renewal procedures and requirements are as follows:

- (1) A Naturopathic physician holding an initial license:
 - (a) Must complete the renewal form furnished by the Board; and
 - (b) Pay the annual renewal fee according to OAR 850-030-0090 and 850-030-0035; and
 - (c) Is exempt from completing CE in the initial year of licensure.
- (2) A licensee doing an accredited residency for at least six months in the calendar year must:
 - (a) Complete the annual renewal form furnished by the Board; and
 - (b) Pay the annual renewal fee according to OAR 850-030-0090 and 850-030-0035; and
 - (c) Provide proof of an accredited residency to meet the CE requirement for an active license.
- (3) A Naturopathic physician holding a certificate to practice natural childbirth must complete at least 15 hours of CE each year in obstetrics and sign an affidavit furnished by the Board confirming these hours. The 15 hours in obstetrics may be used to satisfy the requirement of an active license in 850-030-0195(4). The licensee must provide proof of current certification in neonatal resuscitation annually with the renewal.
- (4) To maintain an active license, a licensee must:
 - (a) Complete the annual renewal form furnished by the Board; and
 - (b) Pay the annual renewal fee according to OAR 850-030-0090 and 850-030-0035; and
 - (c) Complete Board approved CE as required under OAR 850-040-0210 for an active license each year and submit a signed affidavit furnished by the Board confirming this.
- (5) At least 10 of the required CE hours must be in the pharmacology of legend drugs.
- (6) A Naturopathic physician holding an inactive license must:
 - (a) Complete the renewal form furnished by the Board; and
 - (b) Pay the annual renewal fee per OAR 850-030-0035; and
 - (c) Complete at least 10 hours of Board approved CE each year and submit a signed affidavit furnished by the Board confirming these hours.
- (7) A retired status Naturopathic license, upon completing the renewal form furnished by the Board and paying the annual renewal fee for a retired license is not required to complete CE for renewal.
- (8) By November 1, the Board will send to all licensees an annual renewal form to the last mailing address on record. For a renewal to be timely, a licensee must submit to the Board a completed renewal application postmarked no later than December 15 each year. A completed renewal application consists of the completed renewal form, the annual license fee if due, and the late fee, if appropriate, and the completed affidavit confirming completion of continuing education as required under sections (1) through (5) of this rule. Failure to meet the December 15 deadline shall result in a late fee of \$75, which must be submitted with the renewal application form. Any licensee who does not receive the renewal form by November 15 should notify the Board. It is the licensee's duty to obtain and submit the renewal form in a timely manner.
- (9) The license of any licensee who fails to submit a completed renewal application by December 31 shall lapse, effective at midnight, December 31.
- (10) Licensees must maintain for a period of at least five years, full and accurate records including verification of attendance to support hours reported on the signed affidavit.

(11) Each year the Board will audit a number of license renewals. These licensees will be asked to provide their CE documents to verify the signed affidavit. Licensee must provide CE records and verifications that will document compliance with the renewal requirements.

(12) To apply for reinstatement of a license from inactive to active status a licensee must:

(a) Complete the reinstatement form furnished by the Board; and

(b) Pay the appropriate fees per ORS 685.100 and OAR 850-030-0035, and

(c) Submit an affidavit confirming completion of continuing education as follows:

(A) If the license is inactive for 12 months or less, the licensee must demonstrate completion of the required hours of approved continuing education during the past 12 months for an active license, with 10 of these hours in pharmacology; and

(B) If the license is inactive for more than one year, licensee must provide an additional five hours of approved continuing education for each subsequent year or partial year that the license was inactive, in addition to the 10 hours of CE required by OAR 850-030-0195(6).

(d) If license is inactive for more than five years, licensee must take and pass the state jurisprudence and formulary examinations furnished by the Board.

(13) After January 1, the Board may reinstate a license that has been lapsed for one year or less, upon submission of the affidavit of continuing education as required for an active license, completion of the renewal form furnished by the Board and paying the appropriate fees per ORS 685.100 and OAR 850-030-0035.

(14) Any licensee who has allowed a license to lapse for more than 12 months must apply and meet the qualifications under ORS 685.060 through 685.085 for licensure.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.100

Hist.: BNE 1-2003, f. & cert. ef. 2-14-03; Renumbered from 850-010-0195, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 3-2008, f. 4-21-08, cert. ef. 6-10-08

850-035-0230

Requirements for Certification to Practice Natural Childbirth

A naturopathic physician maintaining an active license in Oregon, who wishes to practice natural childbirth must apply to and receive from the board a certificate of special competency in natural childbirth. To receive and maintain a certificate, the licensee must fulfill the following requirements:

(1) Complete at least 200 hours of course work at an approved naturopathic college or hospital in obstetrics and furnish a signed log showing evidence that (a) and (b) and (c) of this subsection have been completed under the direct supervision of a licensed practitioner with specialty training in obstetrics and/or natural childbirth:

(a) Licensee must have taken part in the care of 50 cases each in prenatal and postnatal care; one case may qualify for both areas of care; and

(b) Licensee must have observed and assisted in the intrapartum care and delivery of 50 natural childbirths in a hospital or alternative birth setting. A minimum of 26 of these births must be under the supervision of a naturopathic doctor. No more than 10 of the 50 births may be under the supervision of a medical doctor. No more than 10 of the births may be observation only. A labor and delivery that starts under the care of a naturopathic doctor and includes hospitalization shall count as a birth; and

(c) Licensee must hold a current neonatal resuscitation certificate.

(2) Licensee must pass a specialty exam in obstetrics given by or approved by the Board, after first completing the 200 hours of coursework as required above, and participating in the care of at least 15 cases each in prenatal, intrapartum, and postnatal care; one case may qualify for all these areas of care.

(3) An application for a certificate of special competency in natural childbirth must be submitted, with appropriate fees, after meeting the requirements in 850-035-0230, within three years of passing the specialty examination.

(4) Licensee holding a natural childbirth certification must annually, including initial year of certification, submit 15 hours of Board approved continuing education in obstetrics, which may be used to satisfy ORS 685.102. Licensee must submit proof of current certification in neonatal resuscitation annually.

(5) Licensing action by the Board under ORS 685.100 shall be deemed to have an equal effect upon a certificate of special competency issued the practitioner, unless specifically provided otherwise in the Board action. When the subject of a disciplinary proceeding under 685.100 relates specifically to the practice of natural childbirth by a licensee who possesses a certificate of special competency, the license action may in lieu of effecting the entire scope of the licensee's practice, suspend, revoke, or curtail only the practitioner's authority under a certificate of special competency.

Stat. Auth.: ORS 183 & 685

Stats. Implemented: ORS 685.100, 685.102, 685.135 & 685.160

Hist.: NE 3-1985(Temp), f. & ef. 9-23-85; NE 1-1986, f. & ef. 4-10-86; NE 1-1996, f. & cert. ef. 10-18-96; NE 2-1997(Temp), f. 12-1-97, cert. ef. 12-2-97 thru 5-31-98; administrative correction 8-9-99; BNE 1-2001, f. & cert. ef. 2-7-0; Renumbered from 850-010-0230, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 1-2009, f. & cert. ef. 4-30-09

850-040-0210 Continuing Education

(1) Continuing education (CE) is required as part of the naturopathic physician's license renewal per OAR 850-030-0195. The purpose of CE is to offer education that promotes competency and skills necessary to assure the citizens of Oregon the highest standard of naturopathic medical care.

(2) CE required for an active license is as follows:

(a) For the annual renewal period beginning on January 1, 2010, at least 35 hours of CE, with at least 10 of these hours in pharmacology.

(b) For the annual renewal period beginning on January 1, 2011, at least 40 hours of CE, with at least 10 of these hours in pharmacology.

(c) For the annual renewal period beginning on January 1, 2012, at least 45 hours of CE, with at least 10 of these hours in pharmacology.

(d) Effective January 1, 2013, at least 50 hours of CE every year, with at least 10 of these hours in pharmacology.

(3) Each licensee holding an inactive license must obtain at least 10 hours of CE every year.

(4) A natural childbirth certificate requires 15 hours in obstetrics each year per OAR 850-035-0230, which may be included as part of the annual CE requirement.

(5) New licensees are not required to obtain CE in the initial year of licensure.

(6) Effective January 1, 2010, licensees with an active license must obtain at least two hours of medical ethics education every year, which may be included as part of the annual CE requirement.

(7) Each Licensee must obtain the one-time mandatory pain management education as required by ORS 409.500 through 409.570, within 24 months of initial license renewal.

(8) CE obtained in December not used in the year the hours were obtained, may be used in the following year for CE credit.

(9) CE credit will be rounded to the nearest quarter hour.

(10) Licensees holding an active license must obtain at least 10 hours of Board approved CE annually in pharmacology. These hours may be part of the CE required for renewal. The following are examples of previously approved pharmacy programs:

(a) Substances listed in OAR 850-060-0225 and their application in patient care;

(b) Biopharmacology;

(c) Non-formulary substances or drugs relevant to patient care;

(d) Drug-drug, drug-herb, drug-nutrient interactions or contraindications;

(e) Research of formulary substances and drugs in conjunction with naturopathic medical care.

(11) Any licensee using intramuscular (IM) or subcutaneous (SC) or intravenous (IV) therapeutic injection of vitamins or minerals, or preventive injections (IM, SC, or IV) must have qualifying education per OAR 850-060-0212.

(12) To be considered for approval, programs of continuing education for licensees must:

(a) Be presented by naturopathic physicians, other physicians or other professionally acknowledged health care educators with expertise in the subject matter;

(b) Foster the competency and skills of the naturopathic physician;

(c) Consist of education covering review, new, experimental, research or specialty subjects relevant to the practice of naturopathic medicine;

(d) Exclude the selling or promotion of proprietary products or practice building;

(e) Not misrepresent or mislead the end result/skill to be gained by the education or training offered.

(13) Licensees may receive credit for the qualifying education. Licensees are encouraged to request pre-approval for any program not clearly meeting the criteria in this rule. Continuing education may be approved based on the following criteria:

(a) Continuing Medical Education (CME) provided by recognized professional health care licensing agencies, hospitals, or institutions; programs accredited by the Accreditation Council for Continuing Medical Education (ACCME); the American Council on Pharmaceutical Education (ACPE); or programs approved by the Board. A verification of attendance for all CE courses or activities showing hours claimed or proof of completion must be signed by the program provider;

(b) Video or audio taped CE courses or seminars: Verification of video or audio taped credit for previously Board approved presentations must include an original outline of the presentation as well as the name and date of the presentation and the date of review, length of taped course or seminar and sponsor information;

(c) Literature Review: credit for literature review is determined by the length of the article(s) and the complexity of the topic(s). Articles must be from peer-reviewed publications. Verification must include concise information including an original outline of the literature reviewed;

(d) Internet education: Internet education is accepted for credit in accordance with the standards of the ACCME or ACPE including verification of completion;

(e) Authoring: Credit may be given for being an author of an article related to naturopathic medicine in a professional publication or book. Credit is determined by the length of the article and the complexity of its content. Credit for such activities will be credited in the year the project is completed. Verification must include a copy of the article or book;

(f) CPR: CPR courses in the year taken, with proof of current certification;

(g) Preceptorship: Preceptoring credit must be offered by qualifying persons per (12)(a) of this rule. Verification of preceptor hours must include the date and place, an outline of the information studied, and a signed acknowledgement from the preceptor;

(h) Protocol Writing: Credit may be given for participation in a formal protocol writing process associated with an accredited health care institution or government health care agency. Verification must include a written record of hours of development and research, the names and addresses of the institutions involved, the name of supervisors and their signatures verifying qualified hours;

(i) Research: Credit may be given for participation in research related to the advancement of naturopathic medicine and should be directed by a Board recognized educational or medical institution or organization, or self-directed. Verification must include the type of research being conducted, purpose and summary of research, dates of participation and disclosure of any fiduciary relationships;

(j) Teaching/ Presentation: Credit may be given for actual presentation hours for an initial course or initial seminar offering and up to three hours for preparation for each hour of the presentation, when subject is specific to professional level health education;

(k) Graduate Level Education: Credit may be given for participation in an accredited graduate level health related program relevant to the practice of naturopathic medicine;

(l) Participation in the Naturopathic Physicians Licensing Examinations (NPLEX) committee for the development and writing of the NPLEX examinations;

(m) Activities specific to patient charting and record keeping;

(n) Other courses or activities specifically authorized by the Board.

(14) Exception to the CE requirements in OAR 850-040-0210 is allowed for:

- (a) A full-time residency, which is CNME or Board approved, requiring at least 6 months of participation in the calendar year;
 - (b) A fellowship with a Board recognized professional organization, requiring at least six months of active participation in the calendar year.
- (15) Credit will not be given for hours received for:
- (a) Teaching, except as permitted in OAR 850-040-0210(13)(j);
 - (b) Community service seminars and activities;
 - (c) Self-growth/self-help activities;
 - (d) Practice building activities;
 - (e) Medical/insurance billing presentations;
 - (f) Nonprofessional level health related programs presented by a lay person;
 - (g) Nonprofessional level health related programs presented to the lay public;
 - (h) Proprietary programs, which promote exclusive services and/or products;
 - (i) Information not within or directly related to the scope of practice of naturopathic medicine.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.102

Hist.: NE 6, f. 6-1-73, ef. 6-15-73; NE 5-1980, f. & ef. 9-11-80; NE 2-1984, f. & ef. 2-28-84; NE 1-1986, f. & ef. 4-10-86; NE 1-1992, f. & cert. ef. 1-15-92; NE 2-1993, f. & cert. ef. 9-23-93; NE 1-1996, f. & cert. ef. 10-18-96; NE 2-1997(Temp), f. 12-1-97, cert. ef. 12-2-97 thru 5-31-98; BNE 2-1998, f. 7-31-98, cert. ef. 8-3-98; BNE 6-2000, f. & cert. ef. 12-6-00; BNE 7-2002, f. & cert. ef. 12-10-02; BNE 4-2004, f. & cert. ef. 6-10-04; Renumbered from 850-010-0210, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 3-2006, f. & cert. ef. 10-13-06