

Oregon Board of Naturopathic Examiners
Board Meeting
April 7, 2008

PRESENT:

Rick Marinelli, ND, Chair; Glenn Taylor, Public Member; KE Edmisten, ND; Elaine Gillaspie, ND; Yi-Kang Hu, PhD, Public Member; Michelle Homer, ND; Johanna Matanich, AAG; Sarah Reategui, Admin. Assistant; Anne Walsh, Executive Director

Public Session began at 9:48 am

Executive Session: No motions were made from executive session

Minutes: The minutes from the February 4 General meeting and the March 26 Special meeting with corrections (attendees)

Administrative Rules: Discussion was held on the drafted language for amendments to OAR 850-050-0120.

Many good comments were received and discussed with the extension of the comment period. Additionally, the Board talked about a definition for “supervision”, “direct supervision” and “naturopathic treatment”.

The Board reviewed the suggested grammatical changes to OAR 850-030-0035, -0090 and -0195; comments considered do not change the proposed rule. K. Edmisten would like to see an amendment to OAR 850-030-0195(11)(d) that would remove the need for an inactive licensee to take the formulary exam. This will be up for future discussion.

R. Marinelli reviewed the additions to be submitted to the formulary under OAR 850-060-0225 and 850-060-0226.

Mr. Taylor moved that OAR 850-050-0120 and OAR 850-060-0225, -0026 be submitted for initial rule making and OAR 850-030-0020, -0035, -0090, -0195 be moved for adoption. Dr. Homer seconded the motions and the Board passed unanimously.

General Business:

Legislative Concepts: Name Change (418/01) – The purpose is to amend the name of the OBNE and clarify that the agency is not part of DHS. Board members like the name Oregon Board of Naturopathic Medicine. **Formulary (418/02)** – Phil Donovan, lobbyist for OANP, spoke to the Board on our concept to modernize the formulary and use of the Formulary Council and the support the OANP is willing to provide. The Board discussed the idea of moving towards an exclusionary formulary and what this concept means. Dr. Marinelli will be meeting with Dr. Wilson, Chair of the FC, in an effort to bring more clarity to the next OBNE meeting in June 2008. Dr. Marinelli also stressed that the purpose of the concept to update/change the formulary is to reduce professional and public ambiguity and improve patient care. **Housekeeping (418/03)** will clean up the language in 685.110 to be consistent with 685.990 civil penalty. **EPT – A DHS Concept** – Informational, presented by the Department of Human Services; nothing to discuss.

CE Update for May 2008 – Dr. Edmisten outlined some topics for the May 10, 2008 conference. Dr. Marinelli mentioned that we should have no less than 50 attendees to make the conference worthwhile. Ms. Walsh shared that only 9 people

have registered to date. If more are not registered within the next weeks, the seminar will be cancelled.

Board/Commission Ethics Info – The Board members received a Board & Commissions Ethics Law Summary to peruse.

Director's Report:

Budget Status – Ms. Walsh announced that we are over projected budget for revenue and expressed interest in considering a reduction of licensee fees in 2011 or 2012, if the excess balance is still there. Dr. Marinelli suggested applying the surplus to other things needed to improve the function of OBNE, such as better internet support and website update, vs. reducing license renewal fees in the future.

G. Taylor spoke to the interest of having a budget package/report for every meeting until the end of 2008. Ms. Walsh will be adding this information to the remaining 2008 Board Meetings.

Criminal Background Check Status – Review of finger print cards and process for background checks. To date of meeting, no licensee has complained about background checks.

Investigator Position – John Laws has taken Shane Riedman's position as OBNE's part-time investigator; part-time is defined as 15-20 hours per week. This position has not been included in the 2007-09 budget, but will be a policy package for 2009-11.

Administrative Support Position – Sarah Reategui was hired to fill vacant Administrative Assistant position effective March 24, 2008.

Miscellaneous Business

Non-ND Investigations: *Sundara Delphini* is still giving the Board problems; Sign is office indicates the practice of Naturopathic Medicine when she is not a licensed ND. She claims to have a licensed ND working in her office; the investigator is having a hard time substantiating much information obtained from Ms. Delphini. Investigator is still working on this matter.

Ricky Lee will be issued a notice of civil penalty, as was discussed at the February 2008 meeting, by Ms. Walsh.

Jennifer Casey will be referred to the DA Office for Clackamas County.

Howard Asinoff is currently presenting to practice "optometry" as well as claims to be a naturopathic physician; he does not hold an Oregon ND or Optometrist license. It has been referred to the Board of Optometry.

Pamela Stanton paid the civil penalty and the Board believes that she has moved out of state.

Monty Klein and Pacific Health Center is on the investigator's watch list

Inquires: Pre-payment – The Board discussed an inquiry regarding pre-payment plans for patients and how this pertains to insurance billing. The Board agreed that is not within the purview of the Board to pursue. OBNE does not handle billing, accounting and/or insurance issues. Licensee will be referred to the professional association for assistance.

Director's classification – DAS will be abolishing the Executive Officer classification and reallocating these positions to other classifications. Ms. Walsh will be traveling to Salem Wednesday, April 9, 2008 for the reallocation decision.

Review of 685.110(22) – A letter was received from a licensee asking for a board opinion on the use of "specialist" or specialty" in advertising. The Board would like to clarify "medical specialist" in rule. Y. Hu asked that a legal opinion on the history of this in statute before actually writing a rule. Although R. Marinelli shared that he thought

it referred to physicians licensed under ORS 677 who have passed American Board of Medical Specialist examinations; the Board agreed to have an AAG opinion requested.

Testimony Limit – Board discussed and decided to adopt a policy, which will establish a 5-minute, or less time limit policy for public testimony with the time limit to be based on topic at hand and the agenda in front of the Board. In addition, the Board would like to acquire written comments to accompany all public testimony if possible.

Public Comment: No public comment

As there was no further business to discuss and the meeting was adjourned at 1:53 pm.