

Oregon Board of Naturopathic Examiners
Board Meeting
June 1, 2009

PRESENT: Rick Marinelli, ND, Chair; Michelle Homer, ND; Elaine Gillaspie, ND; Donna Beck, ND; Yi-Kang Hu, PhD, Public Member; Glenn Taylor, Public Member; Johanna Matanich, AAG; Anne Walsh, Executive Director; John Laws, Investigator

Meeting Minutes: Meeting minutes from the April 6, 2009 and the May 20, 2009 meeting were approved with unanimous consent.

Non-ND investigations: **N09-00-00N-1**, advertising matter site owners were contacted and the advertising was fixed. Case closed; **N08-09-20N**, Alleges ND had a LAc in office that OMB was investigating – they have completed their investigation. No action being taken by OBM. Case is closed. Report alleges Ms. Corcoran, Midwife & NP, advertised self on website as being a provider of “Naturopathic Childbirth Services”. After investigation the alleged wrote a letter of apology to the Board stating it was ignorance on her part & made changes to her web site advertisement. No action will be taken by the Board; **N09-05-11N and N09-05-12N** both new complaints pertaining to supplements sales, have not yet investigated. Investigative report at the next meeting.

Administrative Rules: **OAR 850-060-0225; 850-060-0226** Formulary Compendium and classifications were adopted as permanent. Motion to adopt the additions as permanent was made by E. Gillaspie; seconded by D. Beck. Motion passes unanimously.

Discussion was held on increasing CE annually. Dr. Marinelli led this discussion on increasing the CE from 25 to 35 annually in 2010, with another increase in 2011 or 2012 up to 50 per year. This increase in hours would include an increase to pharmacy hours of 10 per year; allow natural childbirth hours to be counted as active hours; and have no restriction on the area of study, as long as it is within the rules (OAR 850-040-0210).

Webinars were discussed as CE. If webinars are interactive would they count as in-person CE? The Board determined after discussion that webinars are considered online programs, and must follow the same standards that DVD viewing does.

There was discussion on changing CE to CME (continuing medical education), however after a further look, statute requires Continuing Education. We can add a definition in the CE rule, defining CE to mean CME as well.

AANP conference request for practice building hours to be approved was discussed. Charting hours submitted were approved, but practice building is not in the best interest of patient care and is not approved.

Executive Session: Glenn Taylor made the following motions from Executive session to include: **N09-02-04; N09-02-05; N09-02-06** Motion to issue a proposed notice of discipline.

Motion seconded by D. Beck. All members agreed; **N08-08-18A** Motion to Issue a Notice of Proposed discipline; D. Beck seconded; all members were in favor. There were no other motions from Executive Session.

Public session motion by Y. Hu **N09-00-0N1** close with no action; **N08-09-22N** move to close with no further action M. Homer seconded; all are in favor.

Director's Report: Budget update 2007-09 shortfall should be covered by increased limitation with the final signing (\$55,000 limitation increase). Unfortunately, this increase limitation, shortfall did not consider what BAM had already seen as a shortfall. The shortfall is due to two areas of increased use. The AAG has been used extensively with a pending contested case; the investigator, that had no limitation at all in 2007-09, has been working about 20+ hours a week on this case and other cases, as well as processing all the background checks.

The legislature has approved enough funds for a temporary investigator to work part time through June 2010, at which time another look at the need for a permanent position and limitation will be considered. There will be more furlough days required of the Director and staff to be determined at a later date. No raises or merit increases are allowed. The issue of mail delivery has been resolved. It will continue as is, there is no obvious cost savings to the agencies or DAS to change it at this time.

Legislation: SB131 (Name change), will be effective January 1, 2010 to reflect our new name, *Oregon Board of Naturopathic Medicine*, and **SB132** (Housekeeping), signed provided consistency in statute regarding civil penalty and plain language. **SB327-A**, ("A" returns SB 327 bill to inclusionary rather than exclusionary formulary). The Formulary Council will get started as soon as the bill is signed to work on the new listing; by name or classification, and how things are now considered to be within the scope of practice. Once this bill is voted on in the House, it should then be signed by the Governor. Pharmacy Board has the Prescription monitoring program, **SB355** is still in process; however, there will be a \$25 annual fee assessed of all licensees to help defer the cost. This will require a rule by OBNE. **HB3022**, relating to treatment of sexually transmitted disease is moving along and expected to become law. This may require a rule as well. The bills that would have changed the board's composition have been amended and no longer will change the composition of the OBNE. The Board member compensation pkg passed with our budget, and as long as the bill actually passes, will become effective January 1, 2010.

SB274, relating to the final order authority of the ALJ. The amendments keep the final order authority with the board.

NABNE meeting is in Tacoma. Ms. Walsh will take the Board's interest in having NABNE position itself to facilitate some national inclusion in the greater health care in the US. More to be shared at the next meeting. Other concerns about the competency of applicants being the responsibility of the schools were discussed. It was shared by Dr. Beck that NCNM is seriously looking at the background checks of new students.

Investigator training as part of CLEAR in September. Ms. Walsh will participate in the initial three day training, as a means to be more valuable in the investigation processes of the board.

Ms. Walsh asked that the board consider for discussion at a future meeting, some sort of license for retired license who want to do volunteer work. The Board agrees that this is a good idea.

There was discussion on pre-payment plans by NDs. Ms Walsh will work with G Taylor and create some sort of survey to see what the practices currently are in the profession and at a later date create a policy that can work as a guideline for all practitioners.

[**Note: School Health Assessments** – carried over from the last meeting Ms,. Walsh had no response from her inquires and will pursue higher levels of person in these programs for support]

As there was no more business to discuss, the Board moved to close the meeting at 2:25.

Public Comment: none

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