

Oregon Board of Naturopathic Examiners  
Board Meeting  
August 3, 2009

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

**Meeting Minutes:** Meeting minutes from the June 1, 2009 meeting were approved with unanimous consent.

**Motions from Executive Session:** **N08-12-28** Move to dismiss and issue a letter of caution; **N09-01-03A** issue license with probation; **N08-12-24** move to lift suspension and maintain the balance of conditions. Motions were made by G Taylor, seconded by E Gillaspie and all members voted to approve these actions.

**Non-ND investigations:** **N09-00-00N-1**, misleading advertising issue in which the 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. No action will be taken by the Board; **N09-05-11N and N09-05-12N** both new complaints pertaining to supplements sales and possible misrepresentation, have not yet investigated. A report will be provided at a future meeting.

**Administrative Rules:** **OAR 850-060-0225; 850-060-0226** Formulary Compendium and classifications were adopted as permanent. The FC will meet to discuss the new rule that will be effective after January 1, 2010 when SB 327 takes effect. 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.

Discussion continued on the additional CE hours being adopted. Comments received ranged from support to displeasure. The Board took these comments and discussed the escalating hours in 2010 to 35 hours (10 in pharmacy) with additional incremental increases over the next three

years. Until 50 total years per year are reached, the Board also discussed removing restriction on the number of hours in a subject area and removing the requirement for attendance.

Amendments to this proposed rule will be amended and posted for consideration, along with OAR 850-030-0195 and OAR 850-035-0210 as necessary.

**OAR 850-035-0035** SB 355 requires a \$25 annual fee with 10% kept by the Board, and the other portion going to the prescription monitoring program. E Gillaspie moved to adopt this rule, D. Beck seconded. Motion passed unanimously.

Legislative changes were submitted to the Board on a spreadsheet for consideration. Ms Walsh will provide more time to work on this at a future meeting, since some will require the Board to take action by rule making or participating in rule making of other agencies.

**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.

**Public Comment:** none

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