

Oregon Board of Naturopathic Examiners
Board Meeting
September 28, 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; Anne Walsh, Executive Director; John Laws, Investigator

Meeting Minutes: Meeting minutes from the August meeting will be given to board members for review by the next meeting.

Non-ND investigations: **N09-05-12N**, Complaint alleges Mollo is practicing without license. Investigator found that person was a retired ND from California and was only distributing supplements to old clients. Some advertising was found that listed person as ND but it was determined to be old information and an oversight that would be corrected immediately. No action will be taken by the Board; **N08-089-22N**, Complaint alleges Casey, Licensed Massage therapist, acting outside scope of license. Issue referred to Massage Board and Clackamas County DA. No action will be taken by the Board at this time; **N09-03-09N**, Complaint alleges Hurliman acting as ND. Investigator found no probable cause that individual made any diagnosis and care provided was made outside the jurisdiction of Board. Complaint dismissed; **N06-06-05N**, Update - Delphini has moved to Texas. Medical Board and Vet Board sent notice of fine and restrictions. The Board will take no further action at this time; **N09-09-10N**, Complaint alleges Chamberlain practicing without license. Investigation initiated in to individuals at Health Co-op practicing without license. Investigation is on-going.

Administrative Rules: **OAR 850-030-0195; 850-033-0230; 850-040-0210** – Increase in CE hours – R. Marinelli began discussion expressing pleasure at the low level of disagreement over the changes. D. Beck and M. Homer were very supportive of the increase in CE hours. Discussion followed concerning the language of “peer-review” standard for literature review. M. Homer made motion to adopt amendments to the above rules, G. Taylor seconded, and motion passed unanimously.

OAR 850-030-0035 –A. Walsh explained that Board is required to charge \$25 fee on every licensee with the authority to prescribe for the Prescription Monitoring Program, administered by the Department of Human Services. The Board will keep 10% of fee for administrative costs. The change will become effective on October 1. M. Homer made motion to adopt, D. Beck seconded, and motion passed unanimously.

OAR 860-0225; 850-060-0226 – Amendments to be initiated. Board has already initiated rule making. Formulary Council met on September 23, and approved pharmacologic therapeutic classification. The new list will not supersede the old formulary. List delineates more clearly what is able to be prescribed. The first draft referenced drug books and lists thought to be too exclusive, so the new list is meant to be more inclusive. G. Taylor made motion to adopt, M. Homer seconded, and motion passed unanimously.

Executive Session: **N09-06-13 and N09-08-16** – G. Taylor made motion to dismiss as there was no violation was found and there is no cause for further investigation. D. Beck seconded, and motion passed unanimously

N09-05-10 – G. Taylor made motion to issue notice of discipline, M. Homer seconded, and motion passed unanimously.

Miscellaneous: An issue has arisen with the background checks of applicants for licensure. An undetermined cause has resulted in the FBI rejecting multiple finger print submissions. Some board members thought that after a predetermined number of attempts, the Director should be empowered to

issue the applicant a license pending further submissions. D. Beck was concerned about sufficient time being given to the applicants. A. Walsh explained that the cards are sent out with exam applications which would give applicants approximately three months to submit and resubmit if necessary. A. Walsh suggested a ten day interval for applicants to resubmit after the return of their rejected finger print cards. G. Taylor moves to give Director the authority to issue license after 3 failed attempts at finger print verification, pending further attempts within 30 days. M. Homer seconded, motion passed unanimously.

Discussion involved ND's OB licensing. Comments were made concerning certain procedures and their description as "high risk" and "higher risk." E. Gillespie suggested tabling the issue to allow further research.

Chair recognized two new board members; Sara Ohgushi who will be replacing Elaine Gillespie; and Patrick Chapman, who will be filling the vacancy left by KE Edmisten

A request was submitted for names of NDs for a community health presentation; it was decided to refer to OANP and OBNE website list.

Discussion arose concerning Bee venom therapy. R. Marinelli gave brief history and common uses of bee venom therapy. FDA describes it as being used for "desensitization." R. Marinelli explained that there is no regulation against using live bees but injecting someone with FDA approved venom is subject to laws and regulations. Bee venom is not listed in the Formulary but could be considered under "biological substances" in rules (850-060-0225).

Director's Report: A. Walsh has been tracking investigative hours and will seek a change to make the OBNE investigator a permanent position. This will happen during the 2010 session. Without an investigator, board members without investigative training researched complaints. A. Walsh reported on investigative training received September 6th to the 10th, which were very beneficial in understanding common practices and procedures used in investigations. A. Walsh may seek additional investigative training in the coming year if the Board's budget will allow the training.

A. Walsh introduced the new Administrative Assistant; David Linn.

Any budget concerns may be discussed at the December meeting.

Public Comment: none

As there was no more business to discuss, the Board moved to close the meeting at 12:55. Board members worked on CE after the close of the meeting.