

Oregon Board of Naturopathic Medicine
Board Meeting
February 1, 2010

PRESENT: Glenn Taylor, Public Member, Chair; Rick Marinelli, ND; Donna Beck, ND; Sara Ohgushi, ND; Patrick Chapman, ND; Yi-Kang Hu, PhD, Public Member; Anne Walsh, Executive Director; John Laws, Investigator

Executive Session: **N99-03-01**, R. Marinelli moves to extend probation for ten years with periodic consideration by the Board. D. Beck seconded, motion passed unanimously. **N08-07-16**, R. Marinelli moves to dismiss, S. Ohgushi seconded, motion passed unanimously. **N09-12-25, N10-01-01**, R. Marinelli moves to open an investigation, P. Chapman seconded, motion passed unanimously.

Non-ND investigations: **N09-05-11N, Kurytka** – update from last June, issue was referred to the Board by the Physical Therapy Board. Individual was accused of practicing naturopathic medicine. Investigation determined Kurytka was selling herbs out of his office. The Board had discussed the issue in June and decided to dismiss but motion was not made at that time. R. Marinelli made a motion to dismiss, D. Beck seconded, motion passed unanimously. **N10-01-02N, Eide** – Complaint was received that an alternative medicine clinic that dispenses medical marijuana cards was selling marijuana illegally. Medical Board has the same complaint pending before it. J. Laws will inform the Board of any action taken by the Medical Board. R. Marinelli made a motion to open investigation, D. Beck seconded, motion passed unanimously.

Meeting Minutes: - December 7, 2009 minutes were approved as written.

Administrative Rules: **OAR 850-005-0190** – Board Compensation. G. Taylor explained that the compensation has not changed in many years. The Director worked with Y. Hu to draft the new rule. Y. Hu explained that the compensation had been discussed previously and it was approved at \$100 per day, and \$30 for partial meetings lasting less than three hours. The second section explained that compensation will be in addition to any other reimbursements (travel and other expenses). The last section allows for compensation to be turned down if so chosen. The Board discussed what other boards have set as compensation. R. Marinelli made a motion to initiate rule making, P. Chapman seconded. R. Marinelli asked Y. Hu about the Formulary Council representative's compensation and whether separate clause should address the issue. The rule as written was deemed to be sufficient. Motion passed unanimously.

OAR 850-060-0220 – Allows ND's to prescribe to the partner of a patient with a sexually transmitted disease under the Expedited Partner Therapy (EPT) program, without a patient visit. R. Marinelli made a motion to adopt the rule as initiated, D. Beck seconded. R. Marinelli suggested changing language to include "dispense, administer and order" as well as prescribe. Discussion followed about whether to amend the rule and re-initiate rule making, or to adopt the rule and initiate a new rule making process for the clarifying language. R. Marinelli made a motion to amend language on the rule to include "ND has authority to prescribe, dispense, administer, and order", no second, motion failed. After discussion, the original motion to adopt the rule as initiated passed unanimously. R. Marinelli made a motion to initiate rule making to amend the rule to include "administer" for clarification; P. Chapman seconded, and the motion passed unanimously.

OAR 850 – The director will initiate a housekeeping process to correct the Board's name change throughout OAR 850. The director has the authority to change un-substantive words in the rules without initiating change through the rule-making process.

General Business:

Appointment to Formulary Council: R. Marinelli has served as the representative to the formulary council for the Board and as his Board appointment is ending, the Board must appoint a replacement. R. Marinelli explained what the commitment entailed and the current issues before the council. P. Chapman expressed interest. R. Marinelli moved to nominate P. Chapman to be the Board's representative on the Formulary Council, D. Beck seconded, the motion passed unanimously.

POLST (Physician Order for Life Sustaining Treatment): Currently ND's cannot sign POLST orders. R. Marinelli explained how POLST has been expanding over the last ten years to include nurse practitioners and physician assistants. The Board would need to formally present ND scope of practice to POLST task force and have them amend their rules to include ND's. G. Taylor asked D. Beck to coordinate with M. Homer and G. Eckel to follow up on this issue.

New Board Member: Dr. Greg Eckel, ND, L.Ac., was present as a guest at the meeting. He will be formally appointed on February 9th and replace R. Marinelli on the Board at the April meeting. G. Eckel has been in practice for eight years and currently practices in Portland. He has previously board experience from serving as the second vice-president of the OANP.

Prescription Drug Monitoring Program (PDMP): The program is designed to give greater oversight by state and federal officials on the dispensing of prescription drugs. R. Marinelli explained that there are some pros and cons to the issue. A pro being the physician's increased ability to monitor their patients and prevent multiple prescriptions and/or abuse of prescription drugs and criminal activity. A con is the concerns regarding the patient's expectation of privacy. R. Marinelli explained that the database is being set up to allow physicians to sign-in and check only their patient's records and not others. The program is administered by the Prescription Drug Monitoring Advisory Commission, on which the Board has a seat. R. Marinelli has been the Board's representative and will report back to the Board throughout the calendar year. Tentative date for release of the database is June 31, 2010. PDMP is funded through fee on prescribing physicians and a DEA grant. This physician fee was initiated with the 2009 license renewal.

Best Practices: Each Board member was given a yearly survey on the Board's practices. G. Taylor explained that an update of practices will be discussed at strategic retreat; he then led the discussion and explanation of each item. Board members completed the survey and gave them to the Director.

Rules: One of the goals for the strategic retreat is to spend time reviewing OAR 850 for ways to clarify and improve the language of the rules.

Press Release: R. Marinelli wrote a press release for the Board regarding the formulary change that took place on January 1, 2010. With the Board's approval Ms. Walsh will send this press release out.

Director's Report:

Strategic Retreat: The retreat is tentatively scheduled for June 12 thru 14. Last strategic retreat was held in 2006. G. Taylor explained the general format and time schedule for the retreat. The Board will discuss its goals for the next legislative cycle. G. Taylor explained the benefit of using a moderator to keep discussions focused and productive. A. Walsh is still researching locations and a facilitator. A. Walsh explained that any guest's expenses are not covered and neither are any alcoholic beverages. She hopes to have some solid information to share at the April meeting.

Investigator: A. Walsh will be attending the special February session to request authorization for a permanent part-time investigator position as required in a budget note with the 2009-2011 LAB.

Budget Update: The budget will need to allocate money for the investigator position, if it is approved at the 2010 Legislative session. G. Taylor walked the Board through the budget for major revenue sources and expenditures.

Federation of Naturopathic Physicians Licensing Authorities (FNPLA): Association of state licensing agencies. A. Walsh wanted to spend some time reinvigorating interest in states joining an association to coordinate the regulation of naturopathic medicine. Association would discuss the differences and similarities between the regulatory boards and look for ways to better coordinate license requirements and standards nationally. The Board agreed to the need, but was clear that it may take more time than Ms. Walsh believes it will require to get started.

Miscellaneous:

Recognition of Service: The new Board Chair, Glenn Taylor, recognized R. Marinelli's service and hard work for the Board and the naturopathic profession. He has served on the Board since 2003 and as Chair of the Board since 2006. His expertise, enthusiasm, and determination will be missed.

Mandatory Reporting: Discussion began about the language of a rule requiring licensees to report to the Board within 30 days, any arrests, convictions, or violations. Discussion followed about which section of the rules would be the best to amend. Y. Hu will work with Ms. Walsh to draft a rule to consider at the next meeting.

Peer Review Committee: R. Marinelli suggested that the Board send a formal request for the Peer Review Committee to meet and review rules and procedures. R. Marinelli gave hypothetical examples of situations that could be better addressed through the Peer Review Committee. This issue will be on the Board's April agenda.

Public Comment: None

As there was no more business to discuss, the Board adjourned at 1:37pm.
Board members worked on CE after the close of the meeting.

Oregon Board of Naturopathic Medicine
Board Meeting
April 5, 2010

PRESENT: Glenn Taylor, Chair; Donna Beck, ND; Sara Ohgushi, ND; Patrick Chapman, ND; Greg Eckel, ND; Michelle Homer, ND; Yi-Kang Hu, PhD, Public Member; Anne Walsh, Executive Director; John Laws, Investigator

Executive Session Motions: **N09-09-20** – M. Homer moved to issue letter of reprimand with civil penalty of \$6,000. D. Beck seconded, motion passed unanimously. **N10-02-3A** M. Homer moved to issue the license with a letter of reprimand, D. Beck seconded, motion passed unanimously.

Non-ND investigations: **N10-01-01N, Eide, Donna** –this complaint is about an individual presenting herself as a naturopathic doctor. The complainant is under investigation along with this individual by medical board. Since the medical board is investigating, there is no action is required by the Board. M. Homer moved to close case, D. Beck seconded, motion passed unanimously.

Meeting Minutes: - February 1, 2010 minutes were approved as written.

Administrative Rules: **SB2118** – Legislature passed SB2118 (HB2059), which mandated the Board to create a rule requiring licensees to report unprofessional conduct by any medical professional. Discussion centered on how to create language for the rule without exposing physicians to erroneous complaints or abuse. There was some uncertainty whether the statute required a new rule to be written, A. Walsh is to confirm and report to the Board members.

OAR 850-050-0120 – Duty to self-report – Y. Hu wrote the language for a proposed rule requiring licensees to immediately report to the Board any legal issues. D. Beck moved to initiate rule making, M. Homer seconded, motion passed unanimously.

OAR 850-060-0220 – Authority to prescribe – Rulemaking was initiated at the last Board meeting to add “administer” to the rule. There was no public comment. D. Beck moved to adopt the rule, P Chapman seconded, motion passed unanimously.

OAR 850-005-0190 – Board Compensation – Rulemaking was initiated at the last Board meeting to set the amount of compensation Board members would receive for their participation on the Board. There was no public comment. D. Beck moved to adopt the rule, S. Ohgushi seconded, motion passed unanimously.

General Business:

Formulary Council Update: P. Chapman, the Board’s representative, explained that much of discussion during the Formulary Council meeting was about the 2009 adoption of the AHFS guidelines as the basis of the current formulary. The council wanted to clarify what was on the formulary list. The council suggested posting reference materials for ND’s on the OBNM website. The only clearly excluded drugs are; anti-psychotic; anti-neoplastic, with a few exceptions; and barbiturates. A discussion followed about the difference between an exclusionary and an inclusionary formulary and whether the impetus for changing it lies with the Board or the professional association. The consensus was that the Board should not prompt for any change in the formulary unless there is a public safety issue to be addressed. P. Chapman, on behalf of the Formulary Council recommendation to the Board, moved to amend 850-060-0226 to clarify several drug categories. P. Chapman moved to amend the rule, D. Beck seconded, motion passed unanimously.

Prescription Drug Monitoring Program (PDMP): – A. Walsh explained that the disbursement of the PDMP fee, that was required of all active licensees, was made to the PDMP advisory committee.

The PDMP advisory committee is in the process of collecting funds from participating agencies to create a budget plan for the following year.

AANP Convention: The AANP has requested a Board representative to sit on their convention selection committee. This person would assist in selecting the continuing education content for the annual convention. There was a discussion about any possible conflicts of interest between a Board member on the convention committee being involved in the CE approval process, and it was determined that the Board member on the committee would not directly approve the conventions CE. It was determined that the Board would advise the convention committee on CE rules and statutes but would not assign a Board member to the committee.

CE “Professional level”: G. Taylor tabled this agenda item until the Board’s retreat to give ample time for discussion.

Legislative Concepts: 2011 legislative concepts are due by April 9th. The discussion surrounded what situations would necessitate a legislative concept such as revising the ND’s statutes, versus things such as revising other agencies rules to include ND’s as physicians, which would not require a legislative concept. After the budget discussion it was determined that there was a need for a legislative concept that allowed for recovering the costs of hearings. G. Eckel moved to initiate this legislative concept, S. Ohgushi seconded, motion passed unanimously.

Director’s Report:

Budget update: A. Walsh put together budget estimates for 2011-2013. To allocate funding for anything a policy package must be submitted. A. Walsh explained the process to securing funding for the investigator position. A. Walsh explained that the Boards computers are becoming outdated and a policy package will be put together to request funding to update them. A. Walsh will continue to work to secure funding for the yearly board retreat.

DOJ: A. Walsh explained the need to pay the increased cost of hearings at the revised DOJ amount. A. Walsh will submit a request to the emergency board to increase the budget limitations for hearings and AAG costs.

Strategic Retreat: The Board will be having its annual retreat on June 4-7. G. Taylor distributed examples of discussions from previous retreats to prepare the Board members for the upcoming strategic retreat. G. Taylor explained the agenda and time schedule to the Board members.

Miscellaneous:

Malpractice: Legislation that was passed in the previous session mandated certain health licensing agencies to report to a national practitioner database all malpractice claims against licensees. The Board will comply.

Public Comment: None

As there was no more business to discuss, the Board adjourned at 1:45pm.

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

Oregon Board of Naturopathic Medicine
Board Meeting
June 14, 2010

PRESENT: Glenn Taylor, Chair; Donna Beck, ND; Sara Ohgushi, ND; Greg Eckel, ND; Michelle Homer, ND; Anne Walsh, Executive Director;

Executive Session Motions: N09-02-04; N09-02-05; N09-02-06 – M. Homer moved to approve final order. D. Beck seconded, motion passed unanimously. N09-12-25 – D. Beck moved that the Board move forward with interim order, S. Ohgushi seconded, motion passed unanimously.

Meeting Minutes: April 5, 2010 minutes were approved as written.

Administrative Rules:

OAR 850-060-0226 - Formulary Classification – The Board received no public comment. D. Beck moved to adopt the rule, S. Ohgushi seconded, motion passed unanimously.

OAR 850-050-0120 – Duty to self-report – A comment was received requesting a change in the rule to extend the time allowed to self-report from 30 days to 90 days. Discussion followed about the appropriate length of time for ND's to self-report. G. Eckel brought up the issue of consistency with other rules which mandate reporting. S. Ohgushi moved to adopt the rule as written, D. Beck seconded, motion passed unanimously.

General Business:

Strategic Retreat: G. Taylor expressed his appreciation for the Board's participation in the strategic retreat. He praised the ability of the moderator in facilitating the discussions. Discussion followed about how to inform licensees about the Board's ideas and planning efforts and increase overall communication.

Health Profession Regulatory Meeting: G. Taylor and A. Walsh were invited to Health Profession Regulatory Meeting by Governor's office. Other health licensing boards were invited to send their board chair and executive director to the meeting. The purpose was for the governor's office to coordinate with the licensing boards ways to increase efficiencies and lower costs associated with health related licensing. Several agencies with limited personnel expressed the desire for shared services.

Board Members and Elections: G. Taylor reminded Board members not to specify themselves as members of the Board when expressing their personal opinions or participating in political activism.

Attorney General Retainer: The Board has a designated assistant attorney general (AAG) who is compensated based upon the time spent on any given task involving the Board. This limits AAG costs but also restricts the Boards use of the AAG for what may be considered minor issues. The Attorney General's office suggested changing to a retainer based system to make budget allocations and expectations more predictable. G. Eckel moved to empower the Director to adopt the retainer method of compensating the AAG, S. Ohgushi seconded, motion passed unanimously.

Legislative Concepts:

Cost Recovery: The concept is for the Board to recover costs from contested cases.

Housekeeping: The concept would clarify that the number of times an applicant for licensure came sit for the national exams are set by NABNE and are more strict than what the Boards statutes specify, so the statutes should be changed.

Director's Report:

Board Contact Trends: The Board would like an update from the Director about general categorical trends in e-mail and phone contacts received by the Board office.

Budget Update: A. Walsh explained the budget document showing how much of the allotted budget has been spent so far this biennium.

Policy Option Packages: A. Walsh explained the need for making the investigator a permanent position. A. Walsh explained the need to update the offices computers due to the current equipment being old and outdated. A. Walsh explained the desire for a policy option to cover the cost of Board retreats. A. Walsh described the need for a policy package for increased AAG costs.

Survey results: The board reviewed comments that have been entered on the boards website survey function. There was a discussion about the annual renewal surveys and what questions should be asked. A. Walsh will present optional questions for the August Board meeting.

Public Comment: None

As there was no more business to discuss, the Board adjourned at 10:54am.

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

Oregon Board of Naturopathic Medicine
Public Board Meeting
August 2, 2010

PRESENT: Donna Beck, ND; Sara Ohgushi, ND; Greg Eckel, ND; Patrick Chapman, ND; Yi-Kang Hu, Public Member; Anne Walsh, Executive Director

EXCUSED: Glenn Taylor; Michelle Homer, ND

Executive Session Motions: There were no motions made from executive session.

Meeting Minutes: June 14, 2010 minutes were approved as written.

Administrative Rules:

There was discussion regarding whether there is a need to clarify rules about how long a license application will be valid.

General Business:

LEDS: The previous investigator was certified as a coordinator and a representative for the LEDS system. A. Walsh will now be the coordinator and the investigator will be certified and representative to the LEDS system.

Newsletter: A. Walsh showed the board members the current draft of the Board's newsletter. It was noted that this newsletter is in addition to e-newsletter due to come out bi-monthly starting after the October meeting. There was discussion around the method of informing licensees about disciplinary actions taken by the board and what form it should take in the newsletter. There was an interest in listing the names of ND's alongside the disciplinary actions to better inform and educate the profession.

Director's Report:

Survey: A. Walsh showed the board the two submissions on customer service that have been made since the previous board meeting.

AANP Convention: The board discussed ways to coordinate with the OANP and AANP convention organizers to outreach to ND's attending the conference.

Legislation: LC530 – A. Walsh gave the Board an update on the timeline of the legislation regarding cost recovery for contested cases. **LC531** – There was a housekeeping issue regarding the board's authority to set the number of times a person can sit for any examination, without impinging on NANBE's authority with the national examinations.

Budget: A. Walsh explained how the combination of increased AAG usage, paying for a part-time investigator, OAH/other costs associated with two contested cases, merchant fees, and a lower number of new licensees, have depleted the Board's cash reserve, which will necessitate an increase in licensing fees. A. Walsh will determine the minimal fee increase necessary to cover the costs of the board and will report to the Board next meeting.

Strategic Goals: The Board members discussed the progress on the action items created at the Board's strategic retreat. Ms. Walsh will work to organize the information in a more concise format for the next meeting.

Public Comment: Jennifer Casey introduced herself to the Board and outlined her background.

As there was no more business to discuss, the Board adjourned at 1:29pm.

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

Oregon Board of Naturopathic Medicine
Special Board Meeting
August 6, 2010

PRESENT: Glenn Taylor, Board Chair; Sara Ohgushi, ND; Greg Eckel, ND; Yi-Kang Hu, Public Member; Michelle Homer, ND; Anne Walsh, Executive Director

EXCUSED: Donna Beck, ND; Patrick Chapman, ND

This meeting was held via telephone conference.

Glenn Taylor took the Board into Executive session at 9:05 am.
Glenn Taylor took the Board out of Executive session at 9:23am.

Executive Session Motions: Sara Ohgushi, ND moved to issue a Notice of Proposed Discipline in case N09-10-21. Michelle Homer, ND seconded and all members present were in favor.

As this special meeting was called for the purpose of an executive on the above matter and there was no further business to discuss the meeting was adjourned at 9:25am

Oregon Board of Naturopathic Medicine
Public Board Meeting
October 4, 2010

PRESENT: Glenn Taylor, Public Member; Michelle Homer, ND; Donna Beck, ND; Sara Ohgushi, ND; Greg Eckel, ND; Patrick Chapman, ND; Yi-Kang Hu, Public Member; Johanna Riemenschneider, SAAG; Anne Walsh, Executive Director

Executive Session Motions: **N09-08-15, N09-09-18** – D. Beck moved to amend the combined notice, M. Homer seconded, motion passed unanimously. **N09-08-17** – D. Beck moved to propose settlement, G. Eckel seconded, motion passed unanimously. **N10-07-10** - D. Beck moved to dismiss, G. Eckel seconded, motion passed unanimously. **N10-08-11N** – D. Beck moved to dismiss, Y. Hu seconded, motion passed unanimously. **N10-09-20A, N10-08-13A, N10-08-15A, N10-09-21A, N10-09-17A, N10-09-19A** - M. Homer moved to approve application and issue a license; D. Beck seconded, motion passed unanimously. **N10-09-18A** - M. Homer moved to issue license with disciplinary action, Y. Hu seconded, motion passed unanimously. **N09-01-02A** (new case no. **N10-09-26A**) – M. Homer moved to deny licensure, G. Eckel seconded, the motion passed unanimously.

M. Homer moved to give the director authority to approve license applications with disclosed criminal background checks that do not bear on fitness or ability to practice medicine, P. Chapman seconded, motion passed unanimously.

Meeting Minutes: August 2, 2010 minutes were approved as written.

Administrative Rules:

OAR 850-050-0010 - Five year review of “Sanctions for Violations” rule that was adopted in 2005. The rule was found to be relevant and useful as written. **OAR 850-060-0212** – After discussion, the Board amended this rule to clarify the education required for injection of vitamins and minerals, IV and non-IV therapeutic injections, and preventative injections (whether IM, SC, or IV). A motion to initiate rule-making was passed unanimously.

NPLEX: There was a discussion about limiting the length of time NPLEX scores would be valid. G. Taylor suggested waiting to see if NABNE decides to place its own limit. Issue was tabled until further notice.

Archive Rule: A. Walsh explained that the state mandates the destruction of non-essential records after 25 years, so she asked if the Board felt it was necessary to explore a way to maintain records past 25 years. The board felt the state limit is justified and decided to stay with the 25 year limit on maintaining records.

General Business:

Formulary Council – P. Chapman gave the Board an update on the Sep. 22, 2010 Formulary Council meeting. The drug classification of atypical anti-psychotics was approved by the FC and recommended for addition to OAR 850-060-0226. There was a discussion about requiring education for specific classifications of drugs. The Board felt that the required pharmacy continuing education was sufficient at this time. P. Chapman moved to initiate a rule change to amend OAR 850-060-0226 to adopt the Formulary Council recommendation and add atypical (2nd generation) anti-psychotics, S. Ohgushi seconded, motion passed unanimously. The Formulary Council, by rule, uses the 2009 AHFS edition as a reference. It would like to amend the rule to state “the most current edition” of the AHFS. P. Chapman moved to initiate a rule change to amend OAR 850-060-0225 and 850-060-0226 to adopt Formulary Council recommendation to change “2009” to “the current edition” of the AHFS, S. Ohgushi seconded, motion passed unanimously. Ms. Walsh will check with legal counsel to make certain that legally this can be done.

Newsletter: A. Walsh explained that there had been little feedback concerning the posting of names alongside disciplinary orders in the annual newsletter. Some board members heard more concern, than was

directed to the OBNM office. Discussion followed about what is appropriate and the consensus was that it was appropriate to post the names with final disciplinary action in the newsletter.

Strategic Planning Goals: Agenda item tabled until the December Board meeting.

PDMP: A. Walsh informed the Board the Prescription Drug Monitoring Program will launch the database and create training sessions soon. A. Walsh will update the Board at the December Board meeting.

OANP: The OANP has offered to supply the board with a table at the associations December seminar.

Renewal Survey Questions: A. Walsh presented the annual renewal survey questions to the Board for comment. G. Eckel offered suggestions on wording questions to show trends over multiple years and reducing redundancy. The Board felt there should be questions about the increased ability to prescribe pharmaceuticals. Ms. Walsh will work with Dr. Eckel on questions for the 2010 renewal.

Budget: A. Walsh explained the current budget process and the status of the Board's cash reserve. Increased costs of hearings, investigations, and Assistant Attorney General fees have lowered the Board's cash reserve and will necessitate a fee increase. The Board is mandated by the state to maintain a 3-6 month cash reserve. The Board's goal is to increase licensing fees as little as possible while maintaining fiscal solvency for several years to prevent additional increases in the licensing fee.

Dry Needling: The Physical Therapist Board and Acupuncture Board have inquired whether dry needling and trigger point injection is within the scope of practice of naturopathic doctors. While it was generally felt that the procedures are certainly part of naturopathic medical practices, G. Eckel offered to further research the issue and the subject was tabled until the next meeting.

Harvesting Adipose Cells: There was a question about whether the naturopathic scope of practice includes the suction and injection of fat cells. There was discussion whether it fell in the area of minor surgery. P. Chapman offered to research further and report back to the Board in December.

Medical Intuitive: The Board was asked to look at the profession of a medical intuitive. It was determined that it was not the purview of the Board to research or promote a medical intuitive as a profession.

Public Comment: There was no public comment.

As there was no more business to discuss, the Board adjourned at 3:30pm.

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

Oregon Board of Naturopathic Medicine
Public Board Meeting
December 6, 2010

PRESENT: Glenn Taylor, Board Chair; Michelle Homer, ND; Donna Beck, ND; Sara Ohgushi, ND; Greg Eckel, ND; Yi-Kang Hu, Public Member; Johanna Riemenschneider, SAAG; Anne Walsh, Executive Director; Excused - Patrick Chapman, ND

Executive Session Motions: **N10-06-06** – M. Homer moved to dismiss the case, Y. Hu seconded, the motion passed unanimously. **N10-07-08** – M. Homer moved to issue a Notice of Discipline, S. Ohgushi seconded, the motion passed unanimously. **N08-08-18A (new case no. N10-11-29)** – M. Homer moved to issue a Notice of Discipline, Y. Hu seconded, the motion passed unanimously. **N10-09-22** – M. Homer moved to dismiss the case, G. Eckel seconded, the motion passed unanimously. **N10-09-24** – M. Homer moved to dismiss the case, D. Beck seconded, the motion passed unanimously. **N10-09-18A** – M. Homer moved to issue a Notice of Discipline, Y. Hu seconded, the motion failed to pass due to tie vote, the case was dismissed.

Meeting Minutes: October 4, 2010 minutes were approved as written.

Administrative Rules:

OAR 850-060-0212 – No comment was received on the proposed rule. M. Homer moved to adopt the rule as permanent, G. Eckel seconded, the motion passed unanimously. **OAR 850-060-0226** – No comment was received on the proposed rule. M. Homer moved to adopt the rule as permanent, D. Beck seconded, the motion passed unanimously.

There was discussion about the possible need to initiate a rule that would set the length of time that people whose license is revoked or denied, must wait to re-apply for licensure. There was a discussion about whether there was a need for a temporary rule or to initiate the permanent rule making process. S. Ohgushi moved to initiate rule making to set a time limit on a person who has had their license denied or revoked, during which they may not reapply for licensure, G. Eckel seconded, the motion passed unanimously.

General Business:

Doctor Patient Relationship – The Board discussed how to define “establish a doctor patient relationship” in rule. This is necessary because some naturopathic treatments, such as homeopathy, do not require a physical exam. The Board discussed the level of documentation that is appropriate for doctor-patient communications such as email and phone calls. It was decided that more information is needed on the issue. The issue was tabled until the next meeting.

Background Checks - There was discussion about a proposed rule requiring the periodic background check of licensees. The issue was tabled for further discussion.

Newsletter – The newsletter has received positive response from licensees. The Director will continue to work towards increased education of licensees. A discussion followed about possible e-newsletter topics.

Strategic Planning Goals – The Board discussed the issues, goals, and timelines from the strategic planning.

2011 Board Meeting Schedule – The Board discussed the 2011 schedule to accommodate Board member schedules and optimize meeting time.

PDMP – There will be an educational training for Board members, prior to the general release to licensees, of the Prescription Drug Monitor Program database. A. Walsh will keep Board members updated on this issue.

Formulary Exam – The Director made an appeal to the ND Board members to submit formulary questions for the Board’s formulary exam.

Legislation – A. Walsh gave an update on the upcoming legislative concepts that will be submitted to the Oregon Legislature.

Directors Report:

Budget – A. Walsh explained that the proposed fee increase will not have to be as large as previously discussed. A. Walsh has been in contact with OANP to foster communication and cooperation with the professional association regarding the proposed fee increase. The Board reviewed the tentative biennial budget, which includes a \$50 annual fee increase for the active license. Although not confident that it will, Ms. Walsh noted that this could change if SB138 (charging respondent fees in contested cases where the Board prevails) passes in session.

Inquiries:

Prescribing Authority Out of State - There was an inquiry about the filing of prescriptions or the ordering of compounded substances by licensees practicing out of state. The Board consensus is that it is outside the scope of the Boards authority to address the policies of pharmacies and compounding companies.

Harvesting Adipose Tissue – There was an inquiry about whether harvesting adipose tissue fell within the scope of ND practice. It was decided that the procedure is within the scope of practice as “biologicals” are listed on the formulary and the procedure does not constitute major surgery.

Dry Needling - It was the consensus of the Board that “dry needling” is within the naturopathic scope of practice.

Public Comment: There was no public comment.

As there was no more business to discuss, the Board adjourned at 2:00 pm.

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