

Oregon Board of Naturopathic Medicine
Public Board Meeting
January 11, 2012

SPECIAL TELEPHONE MEETING

Present: Michelle Homer, ND, Board Chair; Sara Ohgushi, ND; Patrick Chapman, ND; Dwight Adkins, Public Member ; Sheila Myers, ND; Yi-Kang Hu, PhD, Public Member; Anne Walsh, Executive Director

Excused: Gregory Eckel, ND

The intent of this Public session is only to take a vote on the discussion held during Executive session of this special meeting.

A motion was made by Yi-Kang Hu to initiate a Notice of Proposed Discipline in case N11-05-10; Sheila Myers seconded, and all members in attendance were in favor.

As there was no further business to conduct, the meeting was adjourned at 8:15am.

**Oregon Board of Naturopathic Medicine
Public Board Meeting
February 13, 2012**

Present: Michelle Homer, ND, Board Chair; Sara Ohgushi, ND; Patrick Chapman, ND; Greg Eckel, ND; Sheila Myers, ND; Dwight Adkins, Public Member; Anne Walsh, Executive Director

Excused: Yi-Kang Hu, Public Member

Executive Session Motions: In case **N11-05-10**, P. Chapman moved to withdraw the Notice of Proposed Discipline; D. Adkins seconded the motion and the motion was passed unanimously. In cases **N11-06-13** and **N12-01-01**, P. Chapman moved to dismiss without action; S. Ohgushi seconded and the motion was passed unanimously.

Meeting Minutes: Minutes for the December 12, 2011 meeting, and the January 11, 2012 special meeting, were reviewed by the Board. G. Eckel moved to approve the minutes as written; S. Myers seconded and the motion was passed unanimously.

Administrative Rules: Ms. Walsh has been in contact with the DEA to ensure coordination on the recently passed rule, **OAR 850-060-0215** (DEA schedules) adding the drug schedule IIN. A letter confirming the new schedule has been added for Oregon NDs has been received from the DEA; the rule has been updated and adopted. Nds must now contact DEA to amend their registration.

General Business:

Semi-Independence – Jim Heider, Executive Director of the Oregon Physical Therapy Board, gave a presentation about the semi-independence status of some regulatory boards. While there are many similarities, the main difference with a semi-independent board is in the administrative functions of the board, and the increased flexibility to more closely meet its administrative needs.

Legislation: Ms. Walsh explained that any legislative concepts must be submitted before May 1 to be considered for the 2013 legislative session. The Board discussed resubmitting the legislative concept to recover the costs of contested cases where the Board prevails, which did not pass the previous session. The Board decided to table the issue until the next meeting when Ms. Walsh will present more information. The Board discussed the proposed bill regarding the creation of Coordinated Care Organizations (CCO's) and OANP working to assure NDs are included as care providers.

Directors Report:

February License Exam – There were twelve applicants for the February license examination.

FNMRA – A. Walsh has been in contact with the Federation of Naturopathic Medicine Regulatory Authorities. She will continue to work with the federation and update the Board on its progress.

Miscellaneous:

Colonoscopy – The Board continued a discussion regarding an inquiry at the December Board meeting from Dr. Mark Davis, ND about whether performing a colonoscopy is within the scope of practice for ND's. There was a discussion about the drugs used for patient sedation. Dr. Davis explained the several methods of sedation and non-sedation are used in connection with the procedure. The consensus of the Board was that, with proper training, colonoscopies are within the scope of practice for naturopaths. Dr. Chapman, OBNM representative to the FC, will ask the FC to consider which if any of the sedation methods Dr. Davis will provide are within the formulary compendium.

Spinal Injection – There was an inquiry about whether spinal injections are within the scope of practice for naturopaths. The consensus of the Board was that, with proper training, spinal injections are within the scope of practice for naturopaths.

Continuing Education – There was a discussion about proprietary materials in CE presentations. There is an issue about presenters using an educational presentation to promote their own products. The consensus was that the Board's rules regarding proprietary materials being excluded from the educational material is sufficient. Any presenters/sponsors with questions needing more detailed explanation should contact the Board office.

There was discussion about a CE course that contained both acupuncture and herbal medicine, and whether the course should count towards naturopathic continuing education. While there is all lot of crossover material, the consensus of the Board was that if the use of herbal medicine content is only related through an acupuncture procedure, the content should not be approved for naturopathic CE.

Public Comment: Aside from Dr. Davis, there was no public comment.

As there was no more business to discuss, the Board adjourned at 1:35 pm.

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

Oregon Board of Naturopathic Medicine
Public Board Meeting
June 11, 2012

Present: Michelle Homer, ND, Board Chair; Sara Ohgushi, ND; Greg Eckel, ND; Sheila Myers, ND; Yi-Kang Hu, Public Member; Dwight Adkins, Public Member; Johanna Riemenschneider, SAAG; Anne Walsh, Executive Director

Excused: Patrick Chapman, ND

Executive Session Motions: In case **N11-11-33**, Y. Hu moved to open an investigation, G. Eckel seconded, and the motion passed unanimously. **N09-05-10, N09-08-15, N09-09-18**, G. Eckel moved that individuals have satisfied the conditions of the orders, D. Adkins seconded, and the motion passed unanimously. In case **N11-01-01**, G. Eckel moved that individual has satisfied the conditions of the order, S. Myers seconded and the motion passed unanimously. In cases **N12-05-08, N12-06-10N** G. Eckel moved to dismiss; D. Adkins seconded, and the motion was passed unanimously. In Case **N12-03-04, N12-04-07**, Y. Hu moved to dismiss, S. Ohgushi seconded, and the motion passed unanimously.

Meeting Minutes: Minutes for the April 9, 2012 meeting were reviewed by the Board. D. Adkins moved to approve the minutes as written; S. Ohgushi seconded, and the motion was passed unanimously.

Administrative Rules: The Board discussed the need to change the wording in **OAR 850-030-0010, OAR 850-030-0030, OAR 850-030-0031, and OAR850-030-0070** to clarify the requirements for licensure. There was a discussion about **-0031**, which would give the Board the authority to reject any examination scores of someone who does not submit a completed application within one year of passing the state exams. The Board discussed the proposed rule change to **OAR 850-050-0120**, self-reporting. The proposed rule clarifies the language and brings the rule into conjunction with legislative changes. The discussion regarding **OAR850-060-0226** was a proposed rule to add nitrous oxide to the naturopathic formulary. After further discussion S. Ohgushi moved to adopt as permanent rules, the changes to **OAR 850-030-0010, OAR 850-030-0030, OAR 850-030-0031, OAR 850-030-0070, OAR 850-050-0120, and OAR 850-060-0226**, D. Adkins seconded, and the motion passed unanimously. S. Ohgushi discussed the rules regarding ND's certified in natural childbirth. She wanted to add a time frame for a minimum number of the 50 births required to be certified in natural childbirth. She proposed a required continuing education study group for certificate holders. There was discussion about creating an inactive status for ND's certified in natural childbirth. The issue was tabled for further discussion until the next meeting.

General Business:

Naturopathic Specialization – Dr. Martin Milner, ND and Dr. Jeremy Mikolai, ND gave a presentation regarding an interest in the possibility of Oregon ND's being allowed to become Board certified in an area of practice, specifically a Board certification in cardiology. Dr. Milner works at NCNM in the cardiology department. He specifically requested administrative rules to allow ND's to post-graduate train as residents and fellows, and to recognize board certified specialties. Dr. Mikolai explained how Oregon ND's are at a market and public perception disadvantage to ND's licensed in others states where they allow them to claim specialties. Dr. Milner outlined a general process for designating specialization through a multi-year fellowship and a board certified exam. There was continued discussion about the benefits and drawbacks to designating specializations to Oregon ND's in regards to public safety and what is best for the professional as a whole. Dr. Milner asserted that the more ND's that receive post-graduate training in medical specialties, there will be greater quality of

patient care and safety. After discussion, the Board concluded that the change would require a statutory change to ORS 685 and that the change would need to be initiated by the professional association.

Social Media – There was a discussion about the growing use of social media and ways to ensure professional and ethical conduct by ND's or employees in naturopathic clinics.

Semi-Independence – Ms. Walsh is continuing to explore the possibility of semi-independence for the Board.

SERV-OR – Ms. Walsh informed the Board that there will be an advisory meeting June 19 to inform the SERV-OR committee about the ND scope of practice in emergency situations.

Legislation: There were no updates on the two legislative concepts being considered by the Board.

Directors Report:

Financial Report- Ms. Walsh updated the Board on its current funding level.

Budget Process – Ms. Walsh updated the Board on the budget process and timeline.

Website – The State is converting to a new web editing tool and there has been some bugs but is moving forward.

NCIT – Ms. Walsh will be attending the NCIT Investigator Training in San Francisco in September.

Miscellaneous:

Prescribing/Dispensing Regulations – Ms. Walsh informed the Board that there are discussions about increased regulation of businesses dispensing pharmaceuticals. Ms. Walsh will keep the Board updated.

School Nurse/Child Supplements – There was an issue of a school nurse who refused to give a doctor's prescribed supplements to a child at the school. It was decided that the Board would offer some advice on working with the school administration to resolve the issue.

Meaningful Use – A question was raised about the use of the term "meaningful use" and if NDs are required to follow these guidelines. It is used by insurance providers, mainly Medicare, and required for submitting claims.

Pharmaceutical Disposal – G. Eckel started a discussion about informing ND's about proper disposal of unused pharmaceuticals. Ms. Walsh said there should be some information on the website found on the FAQ page.

Public Comment: There was no public comment.

As there was no more business to discuss, the Board adjourned at 2:10pm.

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

Oregon Board of Naturopathic Medicine
Public Board Meeting
August 20, 2012

Present: Michelle Homer, ND, Board Chair; Sara Ohgushi, ND; Patrick Chapman, ND; Sheila Myers, ND; Yi-Kang Hu, Public Member; Dwight Adkins, Public Member; Johanna Riemenschneider, SAAG; Anne Walsh, Executive Director

Excused: Greg Eckel, ND

Executive Session Motions: In cases **N12-04-05; N12-05-09N; N12-07-11A; N12-07-14; N12-08-18A; N12-08-21**, P. Chapman moved to dismiss without action, D. Adkins seconded, and the motion passed unanimously. In case **N11-04-08N**, Y. Hu moved to adopt the proposed order with amendments made to findings of fact #20 and #31, and corrections on page ten of the proposed order, S. Ohgushi seconded, and the motion passed unanimously.

Meeting Minutes: Minutes for the June 11, 2012 meeting were reviewed by the Board. D. Adkins moved to approve the minutes as written; S. Ohgushi seconded, and the motion was passed unanimously.

Administrative Rules: S. Ohgushi had previously discussed possible amendments to the rules regarding NDs certified in Natural Childbirth. This discussion will be tabled until a future meeting.

General Business:

Midwives – S. Ohgushi has been asked to be a member of the workgroup for the regulation of midwives in Oregon. Representatives Keny-Guyer, Hoyle, and Parrish head this workgroup. The Direct Entry Midwives are interested in becoming an autonomous Board, not advisory committee, as they are currently designated under OHLA. The concerns expressed by Dr. Ohgushi are that the midwives are interested in mandatory licensure, with laws and rules that govern appropriately and establish reasonable licensing fees. There is interest from the midwives about sharing administrative costs with the OBNM. There will be more meetings and Dr. Ohgushi will update the Board of any progress. Licensure is currently not required and the current license fee has been prohibitive for some potential [licensed] midwives. S. Ohgushi said that in her meetings with stakeholders, the response has generally been in support of requiring licensure. There were no actions requested or taken at the time.

SERV-OR – Ms. Walsh attended an advisory meeting June 19 to educate the SERV-OR committee about the ND scope of practice in emergency situations. Eight NDs had signed up for the service at that time. No NDs attended the meeting. Ms. Walsh will remain in contact with the advisory committee and will keep the Board informed of any updates.

Prescription Pads & DEA Registration – Ms. Walsh began a discussion regarding the practice of some ND's having DEA numbers listed on their prescription pads and the potential for theft. There was discussion about pharmacy practices and experiences regarding needing DEA numbers. The consensus was that there should not be a DEA number pre-printed on prescription pads and all prescription pads should be kept secure.

Legislation: There were no updates on the two legislative concepts (LC) being considered by the Board. No further action has been taken with these since the final language came back from drafting. Ms. Walsh is not aware of any other LCs out there at this time that would affect the OBNM or NDs in Oregon. She is in contact with the professional association in case they hear of something; she will keep the Board updated.

Director's Report:

Agency Requested Budget – Ms. Walsh updated the Board on the Agency Requested Budget (ARB), which needs to be delivered to DAS and LFO by August 31.

FNMRA – Ms. Walsh attended the Federation of Naturopathic Medical Regulatory Authorities meeting on August 13-14. The Federation aims to represent all naturopathic licensing agencies in the US and Canada. Participation by regulatory authorities, although better than anticipated, was not great. There were two states (OR and WA) represented at the meeting, with three other jurisdictions (CAN) present via teleconference. With meetings being held more frequently, via teleconference (Go-To-Meeting), FNMRA hopes to encourage more agencies to participate.

Website – The state has updated their web server to SharePoint, and there are some ongoing bugs with the system. SharePoint is revamping the training to be more relevant to the user.

Agency Seal – Ms. Walsh shared some potential designs for the agency seal. With the name change in 2009, the name change on the letterhead, envelopes etc, happened, but the actual seal has remained with the old name and design. The OBNM discussed the design options presented, and with that, Ms. Walsh will continue to work on the seal.

Miscellaneous: There were no miscellaneous agenda items.

Public Comment: There was no public comment.

The Board went back into Executive Session at 12:46pm.

Out of Executive Session at 12:55pm

No action was taken from this Executive Session

As there was no additional business to discuss the meeting was adjourned at 1:00pm.

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

Oregon Board of Naturopathic Medicine
Public Board Meeting
October 8, 2012

Present: Michelle Homer, ND, Board Chair; Sara Ohgushi, ND; Patrick Chapman, ND; Greg Eckel, ND; Sheila Myers, ND; Dwight Adkins, Public Member; Johanna Riemenschneider, SAAG; Anne Walsh, Executive Director

Excused: Yi-Kang Hu, Public Member

Executive Session Motions: In cases **N12-08-21, N11-11-33, N12-07-12, P.** Chapman moved to dismiss these cases without further action, D. Adkins seconded, and the motion passed unanimously. In cases **N12-07-15A, N12-08-17A, N12-08-19A,** P. Chapman moved to grant a license to the applicants, S. Ohgushi seconded, and the motion passed unanimously. In case **N12-10-25, P.** Chapman moved to open an investigation, G. Eckel seconded, and the motion passed unanimously. In cases **N12-08-20A and N12-08-22A,** P. Chapman moved to propose discipline once an application is submitted, S. Ohgushi seconded, and the motion passed unanimously.

Meeting Minutes: Minutes for the August 20, 2012 meeting were reviewed by the Board. D. Adkins moved to approve the minutes as written; S. Ohgushi seconded, and the motion was passed unanimously.

Administrative Rules: Ms. Walsh began a discussion regarding **OAR 850-060-0212** and recertification in IV chelation therapy. Licensees who perform IV chelation therapy are required to recertify in IV chelation therapy every five years. There is a concern regarding people who let their recertification lapse beyond the required five years and then seek to recertify and whether the person should be required to take a shorter refresher course or retake the original 12-hour original training. G. Eckel noted that refresher courses can be of limited value to a ND's competency; however, does have value and needs to be required. The consensus was that the current language was sufficient.

Ms. Walsh began a discussion regarding **OAR 850-040-0210(k)** and obtaining CE credit for participants in NPLEX exam writing if they are paid employees of NABNE. The consensus of the Board was that it was acceptable for continuing education credit.

General Business:

Formulary Council – Ms. Walsh explained that at the September 19th meeting, there was only one submission and it was not an applicable formulary substance. There was a discussion in the formulary council about how to address new drugs coming on the market and how the council adds them to the formulary. The FC will look at revamping the direction of their responsibility at the March 2013 meeting.

Midwifery – S. Ohgushi continued a discussion from the previous meeting on the regulation of midwifery in Oregon. A midwifery working group met and discussed the creation of a legislative concept to introduce mandatory licensure for midwives, keeping licensure under the OHLA (Oregon Health Licensing Agency), making them autonomous, and would not affect Naturopathic Doctors certified in natural childbirth.

Natural Childbirth - There was further discussion about creating an inactive status for the natural childbirth certificate. At a future meeting, S. Ohgushi will continue the discussion on this issue.

SERV-OR – Eric Gebbie, DrPH, from the Oregon Health Authority, Public Health Division, presented the Board with a better understanding of SERV-OR (State Emergency Registry Volunteers). Many new ND's have joined recently and brought the total registered to 30; however, Eric would like to

see even more NDs registered. SERV-OR has been educating their coordinators on the skills and benefits of ND participants. The SERV-OR system gives volunteers liability protection to protect health professionals serving as volunteers in emergencies.

Advisor for non-ND school – There was a discussion about a ND taking a position advising students at a non-ND accredited school. The consensus was that it was not an issue.

Coordinated Care Organizations – There has been an ongoing issue of ND's being excluded as providers by the CCO. The Board would like more information regarding the professional association's interaction with this issue. Ms. Walsh will invite a representative of the professional association to speak on this issue at a future meeting.

Legislation:

LC380 & LC381 – Ms. Walsh will be meeting with Michael Kaplan, from the Governor's office and coordinates legislative concepts. She will explain the concepts in greater detail to increase the likelihood of support from the Governor's office and thereby increasing the likelihood of them being passed.

Directors Report:

Agency Requested Budget – Ms. Walsh updated the Board on the budget she sent to the Governor's office on August 31st. It includes changing the investigator position from temporary to permanent. The Governor's recommended budget should be out in January 2013.

John Terpening from Legislative Fiscal was a guest at the meeting. He clarified some questions on the process that were posed by Board members.

Renewals – Ms. Walsh will be opening up the online renewal process after the newsletter goes out to licensees, which should happen before the end of October.

FNMRA – Ms. Walsh discussed paying a membership fee for the newly created Federation of Naturopathic Medical Regulatory Authorities. The fee for membership is \$900 with the current number of licensees. The Board approved this fee be paid, ongoing, by Ms. Walsh.

Insurance Billing – There was a discussion about the issue of ND's, billing for services done by qualified employees. The consensus was that the issue is between the ND and the contract held with the insurance providers.

Miscellaneous: There were no miscellaneous agenda items.

Public Comment: There was no public comment.

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

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

Oregon Board of Naturopathic Medicine
Public Board Meeting
December 10, 2012

Present: Michelle Homer, ND, Board Chair; Sara Ohgushi, ND; Patrick Chapman, ND; Greg Eckel, ND; Dwight Adkins, Public Member; Johanna Riemenschneider, SAAG; Anne Walsh, Executive Director

Excused: Yi-Kang Hu, Public Member; Sheila Myers, ND

The Board went into Public session at 12:15pm

CCO: Laura Farr, OANP Director, was invited to speak with the Board on the changes in health care for patients of naturopathic physicians, with the implementation of the Coordinated Care Organizations (CCO) in Oregon. Through many meeting with persons in Oregon Health Authority (OHA) and the Governor's office, the OANP has a commitment for OHA that current patients seeing NDs on the open card, will continue to be seen by these doctors in the new system if they have an established relationship with a ND. The guarantee from OHA is if after 90 days, a CCO decides it does not want to work with a naturopathic doctor, a patient can go back on the open card to continue care by the ND. The biggest hurdle seems to be education. OANP put together a white paper on naturopathic care as naturopathic primary care for the CCO members.

OAR 410-141-0860 was discussed. Ms. Walsh continues to work on getting the language in this rule corrected.

Discussion was held on the potential bill on dry-needling being within the scope of practice for NDs. G Eckel, ND, LAc, stated that he does not understand why The Acupuncturists are bringing forth a bill to restrict a practice that is already within the scope for naturopathic physicians. More discussion needs to happen before the Board takes a position.

Executive Session Motions: Greg Eckel made all the motions for the executive session matters: In case **N11-06-12** the motion was to issue a notice of proposed discipline, S. Ohgushi seconded; in **N12-08-23** the motion was to take immediate disciplinary action, seconded by D. Adkins; in **N12-08-24** and **N12-10-25** the motion was to dismiss; in **N12-11-31N** and **N12-12-32N** the motion was to open an investigation, seconded by S. Ohgushi; and **N12-12-33** to open an investigation and take disciplinary action, seconded by P. Chapman. All motions were passed unanimously.

Meeting Minutes: Minutes for the October 8, 2012, and November 16, 2012 Special meeting were reviewed. D. Adkins moved to approve the minutes as written; S. Ohgushi seconded, and the motion was passed unanimously.

Administrative Rules: **OAR 850-035-0230** the rule on natural childbirth was been revisited by S. Ohgushi, who requested input from all NDs holding a certificate in natural childbirth. Some changes have been recommended to include requiring case-review annually; removing the requirement that all births must be natural (as C-sections are not); require at least 5 births must have been attended within the two years prior to applying for certification; and to allow a ND with current certification to request an inactive status. The inactive status would have requirements for maintaining that status and for reinstating certificate to an active status. After further discussion on different aspects of the rule, the potential program restart-up at NCNM, and additional natural childbirth CE hours annually. S. Ohgushi moved to initiate rule-making; D. Adkins seconded and the motion passed unanimously. Ms. Walsh will initiate rule-making.

Ms. Walsh shared some definitions previously used by the Board to help define violations.

General Business:

Midwifery Update: S. Ohgushi did not have anything to add to that process; but was excited that Laura Farr shared that she believes the CCO will be less restrictive in covering OB care.

Legislation:

LC380 & LC381 – There is no update. Legislative session starts February 2013. There should be more information available at the February meeting. Ms. Walsh met with L. Farr to discuss the intent of SB 108 and its impact on licensees.

Greg Eckel shared that ACAM certification for IV Chelation therapy is good for seven years; OBNM requires certification be done every five years.

Directors Report:

Agency Requested Budget – There is no update on the status of the Board's requested budget; however, the Governor's Balanced Budget should be available by the end of January and the board will have a better sense of the OBNM limitation for 2013-2015 biennium.

Renewals – The online renewals were opened November 1. To date about 160 (17% of) licensees have renewed online. With the online renewal in place, less than 20 paper renewals are issued. The online renewal saves the Board time and is more efficient. The licensee is the one that updates their record (address, DEA, etc) so there is less chance of human error on our (agency) side.

Staffing: The 2013-15 budget request includes a request to make the Investigator II a permanent position. Ms. Walsh is working with Human Resources to move the Administrative Assistant position into executive service, prior to recruiting for the position. The position has been vacant since December 1.

Miscellaneous: *An inquiry on charging for lab fees:* The ND may charge the administrative costs attached to doing lab tests.

Scope of practice inquiry about treating out of state patients: A doctor/patient relationship must first be established before treating patients who are out of state.

Public Comment: Ms. Farr met with the Board at the beginning of the meeting; no other public comment. No other people were in attendance.

As there was no more business to discuss, the Board adjourned at 1:55.

Board members worked on CE after the close of the meeting. Being the last few days before renewal are due, the Board worked on CE for more than 1-1/2 hours.