

**Oregon Board of Naturopathic Medicine  
Public Board Meeting  
February 13, 2017**

**Present:** Board Chair: Dwight Adkins, Board Members: Jennifer Gibbons, ND; Robert Skarperud, ND; ND; Lissa McNiel, ND; Tracy Erfling, ND; Charles Wiggins, Public Member, Anne Walsh, Outgoing Executive Director & Mary-Beth Baptista, incoming Executive Director

**Guest:** Dr. Laurie Marzell

**Absent:** Board member: Keivan Jinnah, ND (excused)

The Board went into Public Session approximately 11:00am.

**Executive Session Motions:** In case **N14-08-29** notice of proposed disciplinary action, in case **N15-03-06**, no updates at this time, **N15-09-16/N16-03-06** hearing has been requested. On cases **N15-09-22**, **N16-01-01**, **N16-05-16** and **N16-02-04** waiting for response to notice. In case **N16-02-03** no action will be taken. In case **N16-07-27** letter of caution. Case **N16-07-28** is rescinded and dismissed along with case **N16-27-29** and letter of caution to both. **N17-01-02a** is allowed to apply for licensure. Ongoing investigation/no updates in cases **N16-10-30**, **N16-10-31**, **N16-10-32**, **N16-11-34**, **N16-11-35**, **N17-01-01**, **N17-01-03a**, **N17-01-04a**, **N17-01-05n**, **N17-01-06n**.

**Meeting Minutes:** Procedural rules board approved the December 12, 2016 minutes.

**General Business:**

**Telehealth** – The Board discussed that Telehealth is a delivery mechanism not a modality. The Board also discussed the need to develop a policy statement at the next meeting to be adopted and placed on the website along with interstate communication. Board member Lissa McNiel will work with board member Keivan Jinnah on the statement to bring to the next board meeting. The Board also discussed the need to get input from licensees about out of state Naturopaths working with Oregon patients via Telehealth. The Oregon Medical Board has a two year program for licensure for out of state doctors for telemedicine credential for medicine, ORS 677-135-2677.141, ORS 410-130-0610.

**Prescription Pharmaceuticals in-office** – Dr. Marzell made a statement to the Board that she has been working with the pharmacy board regarding in-office pharmaceuticals. She discussed that any compound has to be an FDA approved drug, homeopathic is exempted from the new pharmacy rule. She stated that she believes the Naturopathic Board (Oregon Board of Naturopathic Medicine) should be the one to monitor its own people, and that the Naturopathic Board should be involved somehow if a practitioner distributes something from their office. The Board responded that it will review the information that she brought to them and discuss it at a later date.

**OHA-Opioid Guidelines** – Board member C. Wiggins reviewed the OHA-Opioid Guidelines and updated the board on the Oregon Health Authority (OHA) Opioid Prescribing Task Force. Board member R. Skarperud made a motion to adopt the guidelines and board member J. Gibbons seconded the motion, motion approved unanimously.

**New licenses issued** – Board member J. Gibbons made a motion to ratify the new licenses, board member R. Skarperud seconded the motion, motion approved unanimously.

**Board Chair Appointment** – Board member L. McNiel nominated J. Gibbons as the incoming board chair and board member C. Wiggins seconded the motion, motion approved unanimously.

**Approve hiring of new director** – Board member T. Erfling made a motion to approve the hiring of Mary-Beth Baptista, board member R. Skarperud seconded the motion, motion approved unanimously.

**Administrative Rules:** Board Chair J. Gibbons made a motion to adopt as permanent the administrative rules 850-050-0010 (Sanctions for Violations) & 850-050-0190 (Denial or Revocation of License), Board member T. Erfling seconded the motion, motion approved unanimously.

**Directors Report:** Outgoing Executive Director A. Walsh informed the board that the budget presentation to the committee is Tuesday, February 14, 2017, and that she expects the investigator's full-time position to be approved.

**LEDS** – Law Enforcement Database Service (LEDS) check will be done for all 2016 renewals by the investigator in early 2017. The LEDS check will give background reports on all licensees.

**Miscellaneous Inquiries:** Dr. Brian Butler wrote a letter to the Board stating his concern of the number of CE hours required. Outgoing Executive Director A. Walsh informed the Board that the state is going to be looking at five mandatory CE hours for cultural competency each year and pain management CE every two years. The board discussed Dr. Butler's letter at length and decided to have further discussion at a future meeting.

**Public Comment:** No public comment was received.

Board adjourned at approximately 2pm.

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

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
April 10, 2017

**Present:** Board Chair: Jennifer Gibbons, ND, Board Members: Robert Skarperud, ND; Lissa McNiel, ND; Tracy Erfling, ND; Keivan Jinnah, ND, Charles Wiggins, Public Member, Mary-Beth Baptista, Executive Director

**Absent:** Board member: Dwight Adkins (excused)

The Board went into Public Session at 12:17pm.

**Meeting Minutes:** Board member C. Wiggins made a motion to approve the February 13, 2017 minutes, board member R. Skarperud seconded the motion, motion approved unanimously.

**Public Comment:** Dr. Laurie Marzel reminded the board of her statement she made at the February 10, 2017 board meeting, that she has been working with the pharmacy board regarding in-office pharmaceuticals and that any compound has to be an FDA approved drug, homeopathic is exempted from the new pharmacy rule. Dr. Laurie Marzel wanted to know if the board is going to participate in the pharmacy board hearing administration. Board chair J. Gibbons stated that there are no formal plans at the present time to be at a pharmacy hearing and at a future board meeting the information would be on the agenda for the board to discuss.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:** In case N13-02-02 the update is to modify the consent order, in case N13-03-07, the board is waiving any and all remaining fees, in case N15-09-16/N16-03-06 approve consent order dated April 10, 2017. In case N16-10-31, Dr. Gibbons recused herself and left the room during the discussion the case is ongoing. In cases N17-01-01, N17-01-05n and N17-01-06n they are dismissed. Ongoing investigation/no updates in cases N16-10-30, N16-10-32, N16-11-34, N16-12-35, N17-01-04a, N17-02-07, N17-02-08, 17-03-09a, N17-03-10, 17-05-11 and N17-03-12. Board member C. Wiggins made a motion, board member R. Skarperud seconded the motion, motion approved unanimously.

**Formulary Council Update:** Board member L. McNiel reported that the formulary council is moving to adopt to clarify our formulary by making formulary compendium classifications that we are not able to prescribe as exclusions. It would be clearer for members that practice in Oregon easier to prescribe. We also made a motion to adopt the classifications, we will be using a more thorough compendium. Board member L McNiel made a motion to proceed with rules 850-060-0223 and 850-060-0226 being amended, board member K. Jinnah seconded the motion, motion approved unanimously.

**Legislative Update:** ORS 685.105(SB 22 / LC 0642) Peer Review – This bill has been withdrawn. Board member T. Erfling made a motion to not resubmit SB 22 for consideration, board member R. Skarperud seconded the motion, motion approved unanimously.

ORS 685.010 (3) (SB 23 / LC 0647) Minor Surgery – This bill has been withdrawn. Board member R. Skarperud made a motion to not resubmit SB 23, board member C. Wiggins seconded the motion, motion approved unanimously.

SB 217-ND Concussion Assessment Certification “Return to Play” – what has been proposed is that OHSU would have a class regarding concussions and after the class each state agency would keep track of the certification or maybe the Oregon Health Authority would keep track for state agencies. We have not been asked to endorse or not endorse SB 217 at this time.

HB 3400 – Limits requirements and standards insurer may establish for credentialing Naturopathic Physicians. Board member K. Jinnah made a motion to oppose HB 3400, board member L. McNiel seconded the motion, motion approved unanimously.

**Directors Report:** OAR 850-030-0031 previously a letter & license application has been mailed out to all exam applicants with completed files stating that they have two years to apply for licensure, per OAR 850-030-0031 that is not the case and the letter will be updated with the current rule.

The board is working on a type of a referral for Scope of Practice inquiries and guidelines and as soon as we have the referral information it will be available. As a regulatory board we can address rules and regulation questions.

NPLEX Elective Pharmacology Examination – there is a survey that NABNE would like the board to complete and return to see how useful the new exam would be or if we would still hold our exam or maybe have both exams. The board completed the survey adding that the board would like to see the new pharmacology exam.

Board member Dwight Adkins will be officially done with his term at the June 2017 board meeting which means his spot as public member will need to be filled.

Executive Director, Mary-Beth Baptista requested that the board would approve continuing education and license renewal fees for her attorney license. The Board approved unanimously.

**Telemedicine:** Board member L. McNiel informed the board that Arizona and District of Columbia Naturopathics already have telemedicine regulation under someone else's umbrella. One of the issues with telemedicine is working across state lines and what that means, the board will be working on language for new administrative rule. Board member L. McNiel Drafted a statement for the board to review: The Oregon Board of Naturopathic Medicine acknowledges telemedicine also referred to as telehealth, a delivery mechanism for providing health care not a treatment modality. Naturopathic doctors participating in telemedicine are required to comply with the Oregon Board of Naturopathic Medicine laws and rules the same as if delivering health care by in person assessment and treatment. The board could add a second part: an ND practitioner wishing to provide care to an Oregon patient must be licensed in Oregon. Two items to think about – everybody is doing it and we want to promote a standard.

**Public Comment:** Dr. Brian Butler wrote a letter to the Board back in January 2017 stating his concerns of the number of CE hours required each year. Dr. Brian Butler asked the board if they would think about reducing the 50 CE hours annually to 30 CE hours annually. The board thanked Dr. Brian Butler for taking the time to come and make a public comment and the CE annual requirements will be an agenda item at a later date.

Dr. Laurie Marzel stated that she doesn't think that the executive director has the background, knowledge and information to give answers of scope of practice but said she thinks that scope of practice questions should be directed to the board. Board chair J. Gibbons told Dr. Marzel that this is a regulatory board that addresses rules and regulation questions not insurance and mal-practice questions.

Board member R. Skarperud nominated Dr. Lissa McNiel for the vice chair position and board member C. Wiggins seconded the nomination, motion approved unanimously.

Board adjourned at approximately 1:47pm.

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

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
June 12, 2017

**Present:** Board Chair: Jennifer Gibbons, ND, Board Members: Robert Skarperud, ND; Lissa McNiel, ND; Tracy Erfling, ND; Keivan Jinnah, ND, Charles Wiggins, Public Member, Mary-Beth Baptista, Executive Director

**Absent:** Board member: Dwight Adkins (excused)

The Board went into Public Session at 2:23pm.

**Meeting Minutes:** Board member Dr. R. Skarperud made a motion to approve the April 10, 2017 minutes, board member Dr. T. Erfling seconded the motion, motion approved unanimously.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:** Continue ongoing investigation in cases N16-02-04, N16-10-30, N16-11-34, N16-12-35, N17-02-07, N17-02-08, N17-03-10, N17-05-11, N17-03-12, N17-04-13, N17-04-14, N17-05-15, N17-05-16, N17-05-17, N17-05-18, N17-05-19 and N17-05-20, board member K. Jinnah made a motion to continue investigation, board member C. Wiggins seconded the motion, motion approved unanimously. Propose to issue a notice of discipline in cases N16-10-31, N16-10-32 and N16-12-35, board member Dr. T. Erfling made a motion to propose issue of discipline, board member Dr. R. Skarperud seconded the motion, motion approved unanimously.

**Continuing Education Credits:** Executive director MB. Baptista reminded the Board that Dr. Brian Buttler had attended the board meeting back in February and April 2017 to express his opinion that the amount of Continuing Education (CE) credits required by the Board was excessive and asked whether the Board would consider reducing the annual CE requirements for licensure renewal. The Board reviewed a letter from Dr. Buttler's attorney discussing the difference between the current requirement of 50 hours, per the Oregon Administrative rule and the Oregon Revised Statute minimum requirement of 25 CE credits. The Board discussed whether to engage in rulemaking to reduce the number of hours required. The Board agreed to have the Director send an email soliciting comment from ND's and identified stake holders to receive input on whether to reduce the number of hours and if yes, what is the appropriate reduction in the number of hours. The Board will review the stake holders input at the August 2017 meeting and discuss / determine next steps.

**Telemedicine:** Board member Dr. L. McNiel introduced the proposal for guidelines on telemedicine. Executive director MB. Baptista provided background after on the past discussions of developing a telemedicine guideline. After researching past Board minutes and other publications, Baptista explained that in a previous newsletter there was a record that the Board discussed telemedicine approximately 3 years ago at a Board meeting. The brief mention of those discussions centered around a rule or policy in place that an ND had an in person examination / contact with the patient before engaging in telemedicine. After researching, Baptista determined that this requirement is neither a policy nor rule. Board member Dr. L. McNiel gave information on her research on telemedicine in Oregon and other states. There was discussion on Medicare and Medicaid and how to determine what is the originating site for purposes of telemedicine and that based on the research, other states have determined that the originating state is the location of the patient at the time of treatment. Board member Dr. K. Jinnah discussed whether the Board should accept defining an originating site as the location of the patient, rather than the location of the ND engaging in the practice of telemedicine. Board member Dr. L.

McNiell discussed research stating the originating site in the US is where the patient is located and not where the doctor has their practice. Per the Federation of Medical Boards telemedicine pact also defines the originating site as the location of the patient at the time of medical care. Board chair Dr. J. Gibbons took a preliminary vote to see who would be ready to accept the telemedicine policy as written and presented by Dr. McNiel and there were 4 yes and 2 no. The 2 no's would like to do more research. Board chair Dr. J. Gibbons stated that more time will be given and this item will be tabled until the August board meeting and will take an official vote.

**Proposed Rule Changes OAR 855-043-0505:** Board chair Dr. J. Gibbons opened the discussion on the Pharmacy Board's proposed rule change 855-043-0505 regarding dispensing regulations. From the Board's review of the public comment submitted and the drafts of the administrative rule changes, it appeared to the Board that Naturopathic doctors concerns have been addressed and resolved by the Pharmacy Board's subsequent drafts of the rule. The Board also discussed Dr. Marzell's previous public comment that OBNM should be the regulating body not the Pharmacy Board. Board member Dr. T. Erfling initiated a discussion regarding the difficulties for OBNM to regulate dispensing by ND's and that believes that responsibility should remain with the Pharmacy Board because they are better prepared and equipped. She added that although she believes the products ND's are dispensing to patients are generally being stored and labeled safely and correctly, this new rule may be a learning tool for ND's, and may result in more precise labeling.

Board chair Dr. J. Gibbons acknowledged that it was important to Dr. Marzell to be involved in the Pharmacy Board rule making process and engage in discussions with the Board regarding the potential impact of the rule changes. Board chair Dr. J. Gibbons stated on the Board's and the profession's behalf their appreciation to Dr. Marzell. Board member Dr. T. Erfling also wanted on the record that Dr. Marzell was available for the discussion at the June meeting, but had to leave due to executive session going two hours over the scheduled time. Board chair Dr. J. Gibbons will write Dr. Marzell a letter summarizing the discussion.

**NPLEX Elective Pharmacology Examination:** The Board reviewed the NPLEX Pharmacology draft exam and agreed to require the NPLEX Pharmacology exam and discontinue administering the state formulary exam. Board member C. Wiggins made a motion to adopt the NPLEX elective pharmacology exam, board member Dr. K. Jinnah seconded the motion, motion approved unanimously.

**Legislative Update:**

SB 217-ND Concussion Assessment Certification "Return to Play" – Executive director MB. Baptista explained to the Board that this bill had issues that could not be resolved and is no longer under consideration.

HB 3400 – Limits requirements and standards insurer may establish for credentialing Naturopathic Physicians. Laura Farr, executive director of the Oregon Association of Naturopathic Physicians (OANP), and Executive director MD. Baptista will communicate as the bill progresses through the legislature.

**Rule Making Update:** Proposed Rule 850-060-0226 (Formulary changes) has been posted to the OBNM website and has been filed with the Secretary of State. At this time it doesn't appear that there will be any opposition or need for a public hearing. The Director is communicating with AHFS regarding posting their formulary list on the OBNM website.

Proposed Rule 850-050-0010 & 850-050-0190 (Ethical Standards Clarification) was posted in December 2016, the public comment period has ended with no public comment. The rule change was approved unanimously at the February 2017 board meeting.

**Directors Report:**

**Jurisprudence/Formulary Exam:** The board discussed making the jurisprudence exam 50-75 questions when Oregon examinees begin taking the NPLEX pharmacology exam in February 2018. Tabled discussion to the August 2017 board meeting.

**OBNM Newsletter:** Articles for the Fall 2017 newsletter need to be submitted at the August 28, 2017 board meeting. Board member C. Wiggins will look and see if he can do an article on cannabis and opioids. Executive director MB. Baptista will work on the rules update article and an article on statutes verses rules and what the difference is (side bar).

**Board Vacancy:** Public member open recruitment announcement will be sent out, more discussion on the board vacancy at the August 28, 2017 board meeting.

**New Licensee's:** Board member C. Wiggins made a motion to ratify the new licensee's, board member K. Jinnah, seconded the motion, motion approved unanimously.

**Public Comment:** No public comment

Board adjourned at approximately 4:03pm.

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
August 28, 2017

**Present:** Board Chair: Jennifer Gibbons, ND, Board Members: Robert Skarperud, ND; Lissa McNiel, ND; Tracy Erfling, ND; Keivan Jinnah, ND, Charles Wiggins, Public Member, Mary-Beth Baptista, Executive Director

The Board went into Public Session at 10:44am.

**Meeting Minutes:** Board member Dr. L. McNiel pointed out that the discussion on Telemedicine is missing from the June 12 minutes. Executive director MB. Baptista will have the minutes edited and the discussion added for the Board to review for approval at the October meeting.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:** In case **N16-02-04** Amending previous notice of proposed discipline; in case **N15-03-06** hearing is scheduled and negotiation is ongoing; in case **N15-09-22** notice of proposed discipline has been sent and negotiation is ongoing; in case **N16-10-31** notice of proposed discipline is pending and negotiation is ongoing; **N16-10-32** pending notice of proposed discipline and negotiation is ongoing. **Case N12-12-33** no action taken. Continue ongoing investigation in cases **N16-10-30, N17-02-07, N17-02-08, N17-03-10, N17-03-11, N17-03-12, N17-04-13, N17-04-14, N17-05-18, N17-05-19, N17-05-20, N17-06-21, N17-06-22, N17-06-23, N17-07-24, N17-07-25, N17-07-26, N17-07-139, N17-07-140, N17-07-141, N17-08-142 AND n17-08-143** Board member Dr. L. McNiel made a motion to continue investigation, board member Dr. K. Jinnah seconded the motion, motion approved unanimously. In cases **N16-11-34, N17-05-15, N17-05-16** and **N17-05-17** Board member Dr. L. McNiel made a motion to dismiss, Board member Dr. R. Skarperud seconded the motion, motion approved unanimously.

**Telemedicine:** Board member Dr. L. McNiel informed the Board that Naturopathic Physicians were included in SB 856, noting then Naturopathic Physicians are potentially included in telemedicine reimbursement under CMS Federal Guidelines for medicaid. SB 856 clarified what is permissible scope of practice for Naturopathic Physicians. The CMS Regulations follow the Oregon Medical Board Guidelines for telemedicine. ND's are also included for OHP home through the coordinated care home due to the passage of SB 856. The states that have naturopathic telemedicine written guidelines are: Arizona, California, The District of Columbia and pending in Washington. To treat a patient in those states via telemedicine an ND must be licensed in those states. The State Federation of Medical Boards use the CMS Guidelines designating jurisdiction in the location of the patient at the time of treatment. The Board voted to change the language in the presented telemedicine guidelines to read "unlicensed state" instead of "pre-licensed state" and remove language defining "pre-licensed state." Board member Dr. T. Erfling made a motion to adopt the Telemedicine Guidelines, Board member Dr. L. McNiel seconded the motion, motion approved unanimously.

**Legislative Update:**

**SB 48:** Requires all ND's along with other multiple health related agencies need to obtain continuing education related to suicide risk assessment, treatment, and management. The rules are being developed and when a public hearing is scheduled. Ex. Director will notify all licensees via email.

**SB 856:** Allows Naturopathic Physicians to perform a number of activities medical doctors are currently authorized and licensed to perform in Oregon. Board member Dr. L. McNiel stated that the OANP has all of them written out and referenced on their website. A copy of the webpage referenced was included in the Board packets.



**Rule Making Public Comment Period / Rulemaking Hearings:** OAR 333-270 – POLST Verbal Orders, Authorized Signers and Sunset of POLST Registry Advisory Committee: Public Rulemaking Hearing 9/21/2017 at 1pm – Portland State Office Building, 800 NE Oregon Street Room 221. Public comment period ends 9/22/2017 at 5pm.

OAR 333-072-0210 – Health Care Practitioner Referral: Public Rulemaking Hearing 9/27/2017 at 2:30 pm – Portland State Office Building, 800 NE Oregon Street Room 1D. Public comment period ends 9/29/2017 at 5pm.

**Rule Making Update:** Proposed Rule 850-060-0226 / 0223 (Formulary changes) is posted on the OBNM website and has been filed with the Secretary of State. Public comment ended on or about July 17, 2017. One public inquiry received, requesting a copy of the strike out version of the rule changes. Executive director MB. Baptista informed the board if they wanted to make any changes to the rule the Board should do that now. Board chair Dr. J. Gibbons asked if anyone had changes, no one on the board had changes. Board member Dr. R. Skarperud made a motion to adopt the rule change, Board member C. Wiggins seconded the motion, motion approved unanimously.

### **Directors Report:**

**Jurisprudence/Formulary Exam:** A total of 69 examinees for the July 28, 2017 exam. 67 passed the formulary and 69 passed the jurisprudence exam.

**OBNM Newsletter:** Executive director MB. Baptista reported to the Board that the cost of printing and mailing the newsletter is \$3,159.50, which doesn't include layout of the newsletter. Executive director MD. Baptista explained OBNM is one of the only Boards that is still does a printed newsletter. Executive director MB. Baptista proposed an online version instead of printed version, introducing Board Chair Dr. J. Gibbons and Executive Director MB. Baptista and updating the licensees on rule changes and announcement/explanation of the revised renewal due date for licensure. Baptista suggested creating an electronic annual report to email to licensees at the end first quarter that would include statistics on cases, discipline and updates to rules. The board agreed to the new process.

**Renewal Date/CE Reporting Deadline:** Per ORS 685.102(1), the due date for receiving CE credits and the expiration of an active license is December 31, annually. Per OAR 850-030-0090 licensees were notified that renewal applications were due on December 15, annually. Further OAR 850-030-0195 states a fine will be applied for any application received past December 31. These rules are contrary to statute. This rule will be changed to reflect a January 15 date for annual renewal as part of the aforementioned rule changes subject to public comment and revision.

**Board Vacancy:** There has been one applicant that has applied who was recommended by the Oregon Physical Therapy Board. No update at this time, and the application is with the governor's office. Executive director MB. Baptista will keep the board informed.

**Application for licensure revisions:** The new licensure application is completed and is online.

### **Public Comment:**

Review letter re: adding ketamine to formulary: This will be brought to the Formulary Council Meeting on September 25, 2017.

Question about hemp CBD dosage: ND's are not able to prescribe hemp/CBD, licensee can only sell over the counter doses, even if the patient can obtain it themselves via other means, the ND cannot prescribe/sell to the patient in excess of an over the counter dose.

**Continuing Education Credits:** Based on public comment at the April and June Board meeting the Board asked Executive director MB. Baptista to email all licensees asking for feedback on the current

annual requirement of 50 continuing education requirements. Board member Dr. L. McNiel gave the breakdown of the responses: 25-30 CE: 91; 35-40 CE: 23, 50 or above CE: 28. The ethics, suicide prevention and cultural competency are CE requirements that we cannot change, these are state mandated education. The board does not want to change the CE requirements for pharmacy which is 10 hours annually. A consideration could be to carry-over CE, example: if 40 CE's are required each year and you attend a conference and receive 60 CE, 20 CE could be carried-over to the next year. Board member Dr. L. McNiel thinks that we should lower overall CE requirements to 30 hours annually. Discussion regarding keeping the CE at a minimum of 30 because MD's are required to complete 30 hours annually and because ND's are included in the language of SB 856. Board suggested rolling Cultural Competency into the general CE requirements. Board chair Dr. L. McNiel asked the board members if they had enough information to make a decision on annual CE requirements. Board member Dr. K. Jinnah proposed 30 CE hours 10 of which would be pharmacy with state mandated CE additional. Board member Dr. L. McNiel agrees. Board chair Dr. J. Gibbons opened up public comment.

Dr. Keith Post made a public comment: Raising the number of CE is not going to change the way ND's practice today or 30 years from now, ND's are about nutrition, that's what gets patients well.

Dr. Brian Buttler made a public comment: 50 CE puts a burden on ND's time and money. The reason I went and got an attorney regarding CE is because there was a mix up between statutes and rules. 50 CE a year is beyond reason, 30 is plenty. If you change the hours from 50 to 30 CE you won't hear from me; I just don't want to do the 50 hours of CE.

Dr. Laurie Marzell made a public comment: I think your comment is good because you don't want to start chipping away at a reduced hour with all these cultural things and diagnostic things we do want to preserve that. I don't believe it's a state mandate to acquire 2 hours of ethics each year it's not in the statutes.

After public comment the board reviewed the rules and statutes. Board member Dr. K. Jinnah made a proposal that the rule change for CE requirements annually be changed to 30 CE hours with 8 CE hours in pharmacy, and state mandated ethics and suicide prevention or any state mandated beyond that would be an addition to the 30 hours. Board member Dr. L. McNiel disagrees with reducing the pharmacy credits. The formulary has increased in the last 10 years and therefore pharmacy CE should remain at 10 annually. Executive director MB. Baptista will work on submitting the changes and have a public comment scheduled in October 2017. Annual CE requirements would change to 30 general, 10 pharmacy starting January 1, 2018. Natural childbirth hours will be reduced to 14 CE annually, 7 of which can be part of the general CE. The 2 hours of ethics CE will be in addition to the 30 general. The board will add to the rule that any further state mandated CE will be in addition to the 30 general CE requirements. After a discussion whether to add pain management to the annual requirements, the board declined to add pain management to the annual requirements. Board agreed to allow 10 general CE hours and 5 pharmacy CE hours to be carried over to the following reporting year. Seven (7) Natural childbirth CE credits can carry over to next reporting year.

Board adjourned at approximately 1:57pm.

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
October 9, 2017

**Present:** Board Chair: Jennifer Gibbons, ND, Board Members: Robert Skarperud, ND; Lissa McNiel, ND; Tracy Erfling, ND; Keivan Jinnah, ND; Public Member: Charles Wiggins, and Mary-Beth Baptista, Executive Director

The Board went into Public Session at 12:34pm.

**Meeting Minutes:**

June 12, 2017 Public Meeting Minutes: Board member Dr. L. McNiel had a correction to the June 12, 2017 minutes, the Federation of Medical Boards does not include naturopathic doctors and this needs to be struck out of the minutes, this was for reference only. Board member C. Wiggins made a motion to approve the June 12, 2017 minutes, Board member K. Jinnah seconded the motion, motion approved unanimously.

August 28, 2017 Public Meeting Minutes: Board member Dr. L. McNiel recommended a changes to correct the telemedicine portion of the minutes. Dr. McNeil also recommended a change to the public comment section of the minutes regarding CBD, clarifying that ND's can give CBD products to patients if it is not prescription strength. Board member Dr. L. McNiel also recommended a further clarification to the minutes that the formulary list has increased, not doubled. Board member Dr. L. McNiel made a motion to approve the August 28, 2017 minutes with changes, Board member Dr. R. Skarperud seconded the motion, motion approved unanimously.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:** Board member Dr. T. Erfling reported: In cases N15-03-06, N15-09-22, N16-02-04, N16-10-31, N16-10-32 and N16-12-35 no changes in proposed discipline. In case N17-03-12, proposed discipline. In case N17-07-24 move to dismiss. In cases N17-07-26, N17-07-27, N17-07-28, N17-07-29, N17-07-30, N17-07-31, N17-07-32, N17-07-33, N17-07-35, N17-07-36, N17-07-37, N17-07-38, N17-07-39, and N17-07-40 sent a letter of caution. Case N17-07-41 sent a letter to dismiss. In cases N17-70-42, N17-70-43, N17-70-44, N17-70-45, N17-70-46, N17-70-47 and N17-70-48 sent a letter of caution. In case N17-70-49 proposed discipline. In cases N17-70-50 and N17-70-51 sent a letter of caution. In cases N17-10-151 and N17-07-152 allow licensure. In cases N16-10-30, N17-02-07, N17-02-08, N17-03-10, N17-03-11, N17-04-13, N17-04-14, N17-05-18, N17-05-19, N17-05-20, N17-06-21, N17-06-22, N17-06-23, N17-07-25, N17-07-34, N17-07-52, N17-07-139, N17-07-140, N17-07-141, N17-08-142, N17-08-143, N17-08-144, N17-08-144, N17-09-146, N17-09-147, N17-09-148, N17-09-149, and N17-09-150 continue ongoing investigation. Board member C. Wiggins made a motion to approve all, Board member Dr. K. Jinnah seconded the motion, motion approved unanimously.

**Continuing Education Credits/Licensure:**

**Suicide Prevention CE requirements:** At the present time there is not a state mandate to complete suicide prevention or cultural competency CE, but a requirement that agencies report the number of CE hours licensees complete in those areas. The state is in the process of rulemaking on the reporting requirements. Based on previous public comment by Dr. Laura Marzel, Executive director MB. Baptista researched whether ND's were required by statute to complete two (2) hours of CE in ethics CE. Executive director MB Baptista determined that there is no statutory requirements to complete CE hours in ethics, and that requirement is imposed by Board rule. The Board has statutory authority to impose annual CE requirements for licensees.

Board member Dr. K. Jinnah discussed keeping the required two credit hours of ethics, suggested a change giving licensees the option to either complete either two hours ethics or two hours cultural competency or two hours of suicide prevention CE. Board agreed with not completely eliminating ethics, but providing the ND options. Board member Dr. L. McNiel wanted to know if there was any way to compare ethics violations across Boards. Executive director MB. Baptista stated that we don't have the data to compare that information to other boards and not sure if other boards have that data available either.

The board agreed to amend the proposed rule regarding CE requirements to thirty hours annually with an additional 2 hours being ethics, cultural competence or suicide prevention. Board member Dr. T. Erfling suggested stating the total number of CE hours required upfront, and then breakdown the thirty-two CE hours into categories, twenty general, ten pharmacy and two ethics, cultural competency or suicide prevention.

Board member C. Wiggins suggested tracking CE hours related to opioid prescription. The Board thought this would be difficult to keep track of this information.

CE requirements for Inactive License: Discussion regarding amending the number of CE requirements for inactive in the context of the proposed rules regarding reducing the overall number of CE requirements for licensees. Proposed change of rule for inactive to active status – annually require 10 hours of CE, of the 10, two pharmacy required. Reinstatement fees remain the same.

**Reinstatement of Lapsed License / OAR 850-030-0195:** Proposing to clarify the rule regarding reinstating a lapsed license. Proposed rule states that if a license is lapsed one calendar year or less, licensee must submit the total number of CE hours required for annual renewal. Reinstatement and renewal fees remain the same. If a license is lapsed for more than 1-5 years, licensee would complete all CE's for all five years and pay restoration and renewal fees. If you are lapsed for more than 5 years licensee would be required to retake and pass NPLEX / Pharmacy and Jurisprudence exams. A licensee that has lapsed for more than 5 years, but has been practicing in another state, licensee must submit proof of licensure and record of continuing education since lapsed and retake the Oregon Jurisprudence Exam.

Renewal Deadline: ED and Board discussed that the annual expiration and renewal deadline should not be changed to January 15 and needs to remain December 31 annually. Dr. Laurie Marzell pointed out that the Administrative rule proposal to change the date that licentiates must have their renewal information in must be the end of the year, not December 15, nor January 15 as noted in the statute 685.102. Licenses must be renewed by the end of the year for ND's who take Medicaid patients, or they will have their rights to do so discontinued.

Public Hearing: Public Hearing notice has been sent and posted to the OBNM website. Public hearing scheduled for October 19, 2017.

Next Steps: Public Hearing and all public comments received since the rule was posted will be provided to the Board for discussion at the Board meeting December 11, 2017. After review of the public comment the Board will decide during the December Board meeting, members will decide whether to amend the rule further and/or adopt the rule as proposed.

Oregon Assn. of Naturopathic Physicians (OANP/Association) and National University of Naturopathic Medicine (NUNM/University): Board chair Dr. J. Gibbons and executive director MB. Baptista met with representatives of the Association and University in September 27, 2017. One of the topics of discussion was feedback to the Association that ND's do not feeling supported or understood by the Board regarding opioid prescription practices. Baptista explained that the Board was working on data

collection regarding complaints and cases involving opioid prescribing and will report back to the Association and University in the spring to discuss education in this area of prescribing. The Association was supportive of the Telemedicine Guideline released by the Board and would like more information on this and any other area of policy / guidelines the Board is working on.

Board member Dr. L. McNiel discussed whether the Association could work with ND's to help manage prescribing practices to people within Medicaid and Legacy patients. Board chair Dr. J. Gibbons stated it is up to the ND to receive the training, the Board's role is to determine the CE required. Board member Dr. K. Jinnah asked how the Board felt the Association could help ND's have safer prescribing practices. Board chair Dr. J. Gibbons believes that the Association and the University would help by providing more with education regarding safe prescribing practices.

At the meeting the parties also discussed the Peer Review Committee. Baptista explained to group that the peer review committee was written about 30 years ago and that it is outdated and other boards are not using peer review committees. Baptista will introduce bill to remove it from the statute next regular legislative session.

Baptista also discussed changes to the investigation procedure and moving toward greater transparency. ND's will be informed what the allegations are prior to their interview and what discipline is proposed prior to them appearing before the board.

#### **Rule Making Public Comment Period / Rulemaking Hearings:**

Public hearing set for changes on OAR 850-040-0210, 850-030-0035, 850-030-0090 and 850-030-0195 Thursday, October 19 from 10am-12pm at the Portland State Office Building. Public comment period ends October 27, 2017 at 5pm.

#### **Directors Report:**

**Newsletter:** The newsletter will be going out November 1, with the announcement that annual renewal has opened.

**Board Vacancy:** There has been one applicant that has applied who was recommended by the Oregon Physical Therapy Board. No update at this time, the application is with the governor's office. Executive director MB. Baptista will keep the Board informed. Senate confirmation hearing is in November for the new board member.

**Formulary Council:** John Bloch has resigned after serving 11 years. The position will be posted on the website in January.

**Ketamine:** Board member Dr. L. McNiel reported to the board regarding what was discussed in the formulary council meeting. This will be tabled until the March 2018 formulary council meeting, safety was a big part of the discussion and the formulary council wanted more background information on safety before making a decision.

**Public Comment:** No public comment

Board adjourned at approximately 1:55pm.

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
December 11, 2017

**Present:** Board Chair: Jennifer Gibbons, ND, Board Members: Robert Skarperud, ND; Lissa McNiel, ND; Tracy Erfling, ND; Keivan Jinnah, ND, LAC; Public Member: Charles Wiggins, Joana Freedman, PT and Mary-Beth Baptista, Executive Director

The Board went into Public Session at 2:39pm.

The Board welcomed Joana Freedman, PT, the new Public Board member.

**Meeting Minutes:** Board member Dr. T. Erfling made a motion to approve the October 9, 2017 public meeting minutes, Board member C. Wiggins seconded the motion, motion approved unanimously.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:** Board member Dr. T. Erfling made a motion in cases **N15-03-06**, case set over until April 30, 2018; **N15-09-22**, is pending consent order; **N16-10-31**, propose changes to discipline; **N16-10-32**, pending consent order; **N16-12-35** and **N17-03-12**, changes in proposed discipline. In case **N17-07-49** letter of reprimand. In cases **N17-07-26**, **N17-07-27**, **N17-07-28**, **N17-07-29**, **N17-07-30**, **N17-07-31**, **N17-07-32**, **N17-07-33**, **N17-07-35**, **N17-07-36**, **N17-07-37**, **N17-07-39**, **N17-07-40**, **N17-07-41**, **N17-70-42**, **N17-70-43**, **N17-70-44**, **N17-70-48**, **N17-70-50** and **N17-70-51** open in legal error and cases are dismissed. In cases **N16-10-30**, and **N17-03-11** propose discipline; **N17-03-10**, **N17-07-72** and **N17-08-143**, dismiss, no violation; **N17-07-61**, letter of caution and case **N13-12-38**, violation of probation and proposed discipline. In cases **N17-02-07**, **N17-02-08**, **N17-04-13**, **N17-04-14**, **N17-05-18**, **N17-05-19**, **N17-05-20**, **N17-06-21**, **N17-06-22**, **N17-06-23**, **N17-07-25**, **N17-07-34**, **N17-07-63**, **N17-07-83**, **N17-07-84**, **N17-07-85**, **N17-07-89**, **N17-07-90**, **N17-07-93**, **N17-07-98**, **N17-07-99**, **N17-07-100**, **N17-07-101**, **N17-07-104**, **N17-07-105**, **N17-07-108**, **N17-07-112**, **N17-07-117**, **N17-07-119**, **N17-07-121**, **N17-07-122**, **N17-07-123**, **N17-07-124**, **N17-07-125**, **N17-07-129**, **N17-07-131**, **N17-07-134**, **N17-07-135**, **N17-07-139**, **N17-07-140**, **N17-07-141**, **N17-08-142** and **N17-08-144** continue ongoing investigation. Board member C. Wiggins seconded the motion, motion approved unanimously.

**Federation of Naturopathic Medicine Regulatory Authorities Continuing Education Accreditation Program – Speaker Shannon Braden, ND:** NANCEAC (North American Naturopathic Continuing Education Accreditation Council) was born because of regulatory need for CE approval. The accreditation process employed by NANCEAC is very high and applications are reviewed annually. This program is designed to approve CE that is offered on reoccurring basis. This is not a mandatory program, it is voluntary, and it will not replace the Board's current CE approval process. The Board has approved NANCEAC as an approved CE program provider.

**Directors Report:**

**Formulary Council:** John Bloch has resigned after serving 11 years on the Formulary Council. The position John Bloch held will need to be filled. The position will be posted on the OBNM website in January 2018.

**Procedural Questions:**

- a. Approval for Licensure/Background Questions: The board was given a list of questions that each licensee answers at renewal time. Executive Director MB. Baptista asked for approval from the Board on which questions the Board is comfortable with giving the Executive Director (ED) discretion to approve. The Board wants to be notified of Licensees that

answer affirmatively to questions related to business related crime, arrest, diversion, substance abuse, competency question, unauthorized practice of medicine, denied, revoked license from another authority and malpractice to determine whether to open an investigation. Board gave the ED discretion to determine whether to open an investigation for the remainder of the questions which Licensees answered in the affirmative.

- b. Audit process has been changed to a February CE Audit Date.
- c. ND Designation for inactive, retired & active license (ORS 685.020): The statute does not say an inactive or retired ND cannot use the ND designation.
- d. Chart Review: Discussion regarding the current process for Chart Reviews and the need for a more accountable procedure. Discussion regarding the appropriate rate for ND's to charge for chart reviews. Board recommended \$100 per hour for chart review based on past practices.
- e. Jurisprudence Exam: Discussion regarding extending the time for the exam and adding more questions to the Oregon Jurisprudence Exam due to the fact that the Oregon Formulary has been replaced by the NPLEX national exam. Board discussed offering the exam twice a year instead of four times a year.

#### Rule Making/ORS 850-030-0035, 0195, 850-040-0210

- Public Comment and Hearing Minutes: Per statute CE hours cannot be rolled over into the next calendar year. The Board continued the discussion regarding lowering CE hours annually to 32 hours total, 20 general, 10 pharmacy and 2 in either ethics, suicide prevention or cultural competency. Annual childbirth certificate CE annually, total of 14 CE, 7 CE can be used for general CE. The Board discussed changes discussed at previous board meetings and the public hearing. The Board will continue to work on the proposed rules regarding changing the annual CE requirements at the February 12, 2018 board meeting. The ED will provide a clean copy of the discussed / proposed rule changes at the February 12, 2018 Board Meeting for review and potential vote.
- OAR 850-030-0035, 850-030-0090, 850-030-0195 and 850-040-0210: Board discussed Rule 850-030-0195 and asked for more clarification in the draft rule regarding status fee for retired and inactive status. The Board discussed the renewal requirements for CE for an active licensee who wants to change their status to inactive. Board discussed the rule regarding CE requirements / renewal requirements for a licensee that is inactive for more than five years; whether the licensee needs to take retake the NPLEX exam and state licensure exams to become licensed in Oregon. Board discussed what should be required of a licensee that has been practicing in another state and whether they should have to re-take the NPLEX exams and/or NPLEX Formulary Exam and the Board Jurisprudence Exam. Board discussed requirements for a lapsed license of one calendar year or less, and what is necessary to change the status back to active. Board discussed requiring the licensee to submit the required CE hours for an active license and pay the renewal fee/restoration fee. In cases when the licensee has been lapsed for one to five calendar years, the Board discussed the requirement of the licensee completing the number of CE required for an active license, for each year lapsed, as well as complete a reinstatement application and pay fees.  
Proposal to Amend Rule To Allow Carry Over Credits: ORS 685.102(1)/850-040-0210(8): Board discussed the statute and whether it required CE hours be completed in the previous calendar year.

**ND Exemption Request (ORS 685.102(2)):** Licensee wrote a letter to the Board requesting an exemption from CE credits due to a significant health condition in 2017. Board discussed whether the Licensee met the requirements of ORS 685.102(2). Based on the information provided, Board member Dr. K. Jinnah made a motion to waive licensee CE requirements for 2017 per the statute due to his

medical condition. Board member Dr. R. Skarperud seconded the motion. Motion approved unanimously.

**Questions for Board:** OHA, Wikipedia, Supervising Authority, Telemedicine:

1. OHA: OHA sent an email with questions regarding the definition of “supervising physician“, in ORS 682.025. ORS 682.025 states: once EMS arrives at a Naturopathic clinic the Naturopathic Doctor is no longer the supervising physician of the patient, and EMS directs patient care. ND’s differ from MD or DO. MD’s and DO’s remain the supervising physician after EMS arrives. The Board agrees that ND’s are not “supervising physician’s” as defined by this rule.
2. Supervising Authority: Licensees are allowed to supervise procedures / practices of their employees that are in the scope of practice of the Licensee. If it is not within a licensee scope of If it is not within the Licensees scope of practice, an employee cannot perform that procedure. The Board discussed having a more in-depth discussion regarding this topic at a later Board meeting.
3. Telemedicine: If an ND is communicating with a patient directly through Telemedicine/Telehealth the ND needs to be charting the information.

**Public Comment:** No public comment

Board adjourned at approximately 5:30pm.