

**Oregon Board of Naturopathic Medicine  
Public Board Meeting  
February 12, 2018**

**Present:** Board Chair: Jennifer Gibbons, ND, Board Members: Robert Skarperud, ND; Lissa McNeil, ND; Tracy Erfling, ND; Keivan Jinnah, ND, LAc; Public Member: Charles Wiggins, Joana Freedman, PT; Joanna Tucker Davis, AAG, Mary-Beth Baptista, Executive Director and Helena Snyder.

The Board went into Public Session at 12:30pm.

**Meeting Minutes:** Board member Dr. L. McNeil made a motion to approve the December 12, 2017, executive session minutes, Board member C. Wiggins seconded the motion, motion approved unanimously. Board member Dr. R. Skarperud made a motion to approve the December 12, 2017, public meeting minutes, Board member Dr. K. Jinnah seconded the motion, motion approved unanimously.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:**

**N16-10-30:** Board member Dr. T. Erfling made a motion of proposed settlement offer of \$20,000 fine with \$10,000 forgiven upon completion of probation in 2022 as well as completion of continuing education. Board member C. Wiggins seconded the motion, motion approved unanimously.

**N17-03-11:** Board member Dr. T. Erfling made a motion of proposed settlement offer with condition in the notice to lower chart review to five charts and delegate authority to the executive director to determine other language in the agreement. Board member Dr. R. Skarperud seconded the motion, motion approved unanimously.

**N15-09-22:** Board member Dr. T. Erfling made a motion of proposed settlement offer with prescribing restrictions as a condition of probation and submission of quarterly PDMP provided by the licensee for four years. Civil penalty of \$2500, payment plan set between licensee and the Board spanning the period of probation. Board member C. Wiggins seconded the motion, motion approved unanimously.

**N17-03-12:** Board member Dr. T. Erfling made a motion to issue a notice of proposed discipline per ORS 685.110(14), OAR 850-05-0190(3a) and OAR 850-05-0010(1cc), 2 yrs of probation, \$5000 civil penalty and 16 hours of continuing education in the area of ethics and patient boundaries. \$5000 civil penalty would be suspended upon successful completion of probation. Board member Dr. K. Jinnah seconded, motion approved unanimously.

**N17-07-119:** Board member Dr. T. Erfling made a motion to not discipline and issue a letter of education. Board member C. Wiggins seconded the motion, motion approved unanimously.

Board member Dr. T. Erfling made a motion to close without discipline the following cases opened in error, N17-07-83 through N17-07-85; N17-07-89 through N17-07-90; N17-07-93; N17-07-98 through N17-07-101; N17-07-104 through N17-07-105; N17-07-108; N17-07-112; N17-07-117; N17-07-121 through N17-07-125; N17-07-129; N17-07-131; N17-07-134 through N17-07-135, Board member C. Wiggins seconded the motion, motion approved unanimously.

**N17-11-160:** Board member Dr. T. Erfling made a motion to close this case due to complainant withdrawing complaint. Board member C. Wiggins seconded the motion, motion approved unanimously.

**Delegation of Authority:** Board member C. Wiggins made a motion to give the executive director delegation authority to determine the specific ORS and OAR in investigation cases, Board member Dr. T. Erfling seconded the motion, motion approved unanimously.

**Public Record:** For public record purposes when each board member/staff is reviewing board packet materials, any notes written down prior to the meeting and during the meeting must be saved and given to the executive director.

**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 cannot waive the CE requirements for initial licensure or for residency because the statute clearly says at least 25 hours every calendar year. That being said the Board can decide to approve initial licensee's CE for taking the NPLEX exam and for school course work and include residency as annual CE.
- **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.

Board member Dr. R. Skarperud made a motion to adopt the rule changes, Board member Dr. K. Jinnah seconded the motion, motion approved unanimously.

**Guest Speaker Joshua Van Otterloo with OHA PDMP:** House Bill 3440, which was passed at the 2017 session, involves OHA forming a prescribing practice review subcommittee. The main purpose of the subcommittee is to create a criteria by which a practitioner may receive required education and or training on prescription opioids. The law puts in criteria that has to be included, high volume, high dose and co prescribing. The subcommittee may review PDMP reports that don't include patient names. The main objective is to send education information to prescribers. The subcommittee will be made up of different medical state boards who have prescribing rights. The subcommittee is looking for a prescribing naturopath to be a member on the subcommittee. ND's for nomination: Noel Peterson, ND and Kevin Wilson, ND. If both decline and email will go out to all licensee's asking if anyone is interested in being on the PDMP subcommittee. Board member Dr. R. Skarperud made a motion to delegate authority to the board chair and executive director to find a representative for this subcommittee, Board member Dr. T. Erfling seconded the motion, motion approved unanimously.

Another item that OHA is working on is the Oregon State Medical Examiner will start going over the PDMP list for deaths that look like prescription deaths which are classified under accidental deaths and will send these reports to each medical board for review any if necessary to open a complaint.

**Opiate Prescribing Patterns in Oregon, 2011-2014: Report and Response:** The Board would like the report posted on the website.

#### **Directors Report:**

**Formulary Council:** John Bloch has resigned after serving 11 years on the Formulary Council. The position has been posted on the Board website and an email. One application has come in which is a spouse of formulary council member at this time. The Board would rather not have family members on the same council.

**OAR 850-050-0010 & OAR 850-050-0190:** The Board adopted the AANP code of ethics. This rule sets forth an ethical standard for Licensees. ED will send a notice via email to all licensees.

**OAR 850-060-0223 & OAR 850-060-0226:** AHFS has an interactive database that will be posted on the Board website which will make the formulary compendium easier to use.

**Meeting with OANP:** Board chair Dr. J. Gibbons reported on the meeting with the new executive director Beth Martin and the Board executive director Mary-Beth Baptista. OANP is working on public awareness. Board and OANP are planning quarterly meetings for better communication between the licensing board and the association.

**CE Audit:** The annual CE audit was emailed and mailed to 94 licensees. The Board will work on audit guidelines for CE reporting. Further discussion on the annual CE audit at the April board meeting.

**Board Retreat:** The retreat and board meeting will be held together, June 1-3, 2018. ED / Board Staff will contact: Cannon Beach – Sea Ranch, Astoria – Cannery Pier Hotel, Timberline

Lodge and Hood River to determine availability. Members asked to think about the direction they would like to see the Board moving in the next two years prior to the retreat.

**Board Meeting:** The board meeting scheduled August 13 will remain on the calendar as previously scheduled.

**Condolences:** An email was sent out to all licensee's regarding Dr. Ed Alstat passing. OANP posted the information on their website. When memorial service information is available an email will be sent out and posted to the OBNM website.

**IV Injection:** There is not a rule at this time that a person cannot be trained to preform IV.

**Public Comment:** No public comment

Board adjourned at approximately 2:32pm.

Oregon Board of Naturopathic Medicine  
Special Telephonic Public Board Meeting  
March 15, 2018

**Present:** Board Chair: Jennifer Gibbons, ND, Board Members: Robert Skarperud, ND; Tracy Erfling, ND; Keivan Jinnah, ND, LAc; Public Member: Charles Wiggins, Joana Freedman, PT; Joanna Tucker Davis, AAG and Mary-Beth Baptista, Executive Director.

**Absent:** Board member Lissa McNiel, ND

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

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:**

**N17-06-21:** Board chair Dr. J. Gibbons made a motion not to issue a notice of proposed discipline, Board member C. Wiggins seconded the motion, motion approved unanimously.

**N15-03-06/N14-08-29:** Board chair Dr. J. Gibbons made a motion to give delegate authority to the executive director to propose settlement, Board member Dr. T. Erfling seconded the motion, motion approved unanimously.

**Board Retreat:** Will be held in Astoria, OR at the Cannery Pier Spa and Resort, June 1-3, 2018.

**Rule Making/OAR 850-040-0210:** Board member C. Wiggins made a motion to approve the final draft, Board member Dr. K. Jinnah seconded the motion, motion approved unanimously.

**Public Comment:** No public comment

Board adjourned at approximately 12:40pm.

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
April 9, 2018

**Present:** Board Chair: Jennifer Gibbons, ND, Board Members: Robert Skarperud, ND; Lissa McNiel, ND; Tracy Erfling, ND; Keivan Jinnah, ND, LAc; Public Member: Joana Freedman, PT; Joanna Tucker Davis, AAG, Mary-Beth Baptista, Executive Director

**Absent:** Charles Wiggins, Public Member

**Guest:** Beth Martin, Executive Director of the Oregon Association Naturopathic Physicians

The Board went into Public Session at 11:19am.

**Meeting Minutes:** Board member Dr. T. Erfling made a motion to approve the February 12, 2018, executive session minutes, Board member J. Freedman seconded the motion, motion approved unanimously. Board member Dr. T. Erfling made a motion to approve the March 15, 2018, executive session minutes, Board member Dr. K. Jinnah seconded the motion, motion approved unanimously. Board member Dr. R. Skarperud made a motion to approve the February 12, 2018, public session minutes, Board member Dr. T. Erfling seconded the motion, motion approved unanimously. Board member Dr. T. Erfling made a motion to approve the March 15, 2018, public session minutes, Board member Dr. K. Jinnah seconded the motion, motion approved unanimously.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:**

**N12-08-23:** Board member Dr. T. Erfling made a motion to offer a new settlement agreement with additional ten (10) years of probation. Board member Dr. K. Jinnah seconded the motion, motion approved unanimously.

**N17-05-19:** Board member Dr. T. Erfling made a motion not to issue proposed discipline and close the case. Board member Dr. K. Jinnah seconded the motion, motion approved unanimously.

**Qualifications for Administering IV and Injections:** Dr. L. McNiel researched Oregon Laws regarding who can administer IV and Injections under a licensed ND. Dr. L. McNiel will draft a statement of philosophy around the use of unlicensed health care personnel for board review.

Questions have come up whether ND's can supervise nurses. Under the nursing board rules an ND can supervise nurses.

**Ketamine:** The Board needs more background information on injectable Ketamine before making a policy statement. Dr. L. McNiel will do some research and bring information to the next public board meeting.

**Mandatory PDMP Registration-HB4143 (Drew Simpson-OHA):** The PDMP is a program to assist physicians who prescribe to patients in Oregon. The PDMP OAR 333-023-0820(8) is to inform physicians to register with the PDMP by July 1. If a Physician doesn't hold a DEA license the physician is not required to register with the PDMP. A non-prescribing physician may choose to sign up because it is still a useful tool for non-prescribing physician to see if a patient is on medication. North Dakota and Idaho are registered on the PDMP program, Montana will be on board soon, followed by Washington and Colorado.

**Board Chair/Vice Chair Nominations:** Dr. K. Jinnah made a motion to continue having Dr. J. Gibbons as chair, Dr. R. Skarperud seconded the motion, motion approved unanimously. Dr. T. Erfling made a motion that Dr. L. McNiel remain vice chair, Dr. R. Skarperud seconded the motion, motion approved unanimously.

**Directors Report:**

**Legislative Concept Request: ORS 674.345 Limited Liability Program:** If an ND is donating health care services/volunteering they are covered under the limited liability program.

**Formulary Council:** The OBNM office received 5-6 applications to fill the vacant position on the Formulary Council. The Formulary Council voted at the March 12, 2018, to bring on Carmen Ionescu, MD, ND as their new member.

**Board Retreat:** The strategic retreat and public board meeting will be held at Cannery Pier Hotel, June 1-3, 2018. Board members were asked to think about the direction the board should be moving towards for the next two years.

**Probationer Requests for CE approval:** A few CE applications have been submitted by probationers for board approval. CE applications that were submitted are approved.

**Final Administrative Rules Filed & Posted on the Board Website:** MB Baptista, executive director, reported that final rule changes are posted on the board website. OAR 850-050-0010 & 850-050-0190: Adopts Code of Ethics. OAR 850-0035, 0090, 0195: Changes License Renewal Deadline & Eliminates Fine. OAR 850-040-0210: Reduces Overall Number of Continuing Education Credits to Maintain an Active License.

**Public Comment:** No public comment

Board adjourned at approximately 12:46pm.

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
June 2, 2018

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

The Board went into Public Session at 8:30am.

**Meeting Minutes:** The April 9, 2018, executive session minutes approved unanimously. The April 9, 2018, public session minutes approved unanimously.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:**

**N14-09-33:** Board member Dr. T. Erfling made a motion to end probation upon completion of civil penalties. The Board approved unanimously.

**N17-05-20:** Board member Dr. T. Erfling made a motion not to impose discipline. The Board approved unanimously.

**N17-06-23:** Board member Dr. T. Erfling made a motion not to impose discipline and send a letter of education. The Board approved unanimously.

**N17-05-63:** Board member Dr. T. Erfling made a motion not to impose discipline and send a letter of education. The Board approved unanimously.

**N17-05-140:** Board member Dr. T. Erfling made a motion not to impose discipline. The Board approved unanimously.

**N17-08-142:** Board member Dr. T. Erfling made a motion not to impose discipline. The Board approved unanimously.

**N17-08-144:** Board member Dr. T. Erfling made a motion not to impose discipline. The Board approved unanimously.

**N17-09-149:** Board member Dr. T. Erfling made a motion not to impose discipline and send a letter of education. The Board approved unanimously.

**N17-09-150:** Board member Dr. T. Erfling made a motion not to impose discipline and send a letter of education. The Board approved unanimously.

**N17-11-161:** Board member Dr. T. Erfling made a motion not to impose discipline. The Board approved unanimously.



**N18-06-24:** Board member Dr. T. Erfling made a motion to impose discipline, on probation until 12-31-2018 and or until CE fulfilled and \$500 civil penalty. The Board approved unanimously.

**Public Comment:** No public comment

Board adjourned at approximately 8:45am.

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
August 13, 2018

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

**Excused Absence:** Robert Skarperud, ND

The Board went into Public Session at 10:55 am

**Meeting Minutes:** Dr. T. Erfling made a motion to approve the August 13, 2018, executive session minutes, Dr. K. Jinnah seconded, the Board approved unanimously. C. Wiggins made a motion to approve the August 13, 2018, public session minutes

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:**

**N18-06-24:** Board member Dr. T. Erfling made a motion to close the investigation, Board member C. Wiggins seconded. The Board approved unanimously.

**N17-02-07:** Board member Dr. T. Erfling made a motion to close the investigation, Board member C. Wiggins seconded. The Board approved unanimously.

**N17-02-08:** Board member Dr. T. Erfling made a motion to close the investigation, Board member C. Wiggins seconded. The Board approved unanimously.

**N17-04-13:** Board member Dr. T. Erfling made a motion to close the investigation, Board member C. Wiggins seconded. The Board approved unanimously.

**N17-07-34:** Board member Dr. T. Erfling made a motion not to impose discipline in the form of a letter of reprimand, Board member C. Wiggins seconded. The Board approved unanimously.

**N18-04-20A:** Board member Dr. T. Erfling made a motion to deny licensure, Board member C. Wiggins seconded. The Board approved unanimously.

Board member Dr. T. Erfling made a motion to continue investigations on the tracking form, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**Agency Mission Statement:** Board member Dr. T. Erfling is working on the agency mission statement and will continue to work on the document and bring to the board meeting on October 8, 2018 for the board to review.

**Standard of Practice:** Board member Dr. K. Jinnah is working on a standard of practice document. Chair Dr. J. Gibbons and Executive Director MB. Baptista will reach out to Beth Martin, Executive Director of the Oregon Association of Naturopathic Physicians, to see if the

association has a standard of practice committee, if not the Board will consider a committee to work on the standard of practice document. The Board will discuss this again at the October 8, 2018 board meeting.

**Formulary Council Update:** Board member Dr. L. McNiel told the Board she spoke with Natalie Gustafson, a pharmacist on the Formulary Council about the use of Ketamine in injectable form. Gustafson told McNiel that Ketamine is currently difficult to get in injectable form, however this will not always be the case.

McNiel said it is not standard medical practice to use unlicensed personnel to monitor any type of IV, but Oregon law does not prevent unlicensed medical assistants from starting an IV. However, it is not common practice to allow unlicensed personnel to monitor IV fluids because it involves independent medical assessment. Due to issues regarding use of unlicensed personnel that have come before the Board, McNeil felt the use of Ketamine in injectable form may become a protection of the public health issue in the future. She thought it could potentially be dangerous if people other than a physician are allowed to administer Ketamine.

McNiel explained that Ketamine is being used for off label purposes, for example treating treatment resistant depression. However, the DEA considers it a general anesthetic. She said it is often used in repeated doses to get the general effect, but when used over time at therapeutic doses it can cause disassociation and urinary problems among other issues. She said there are some standard protocols but using Ketamine for these purposes is still considered a fringe practice by the medical community.

McNiel explained that Ketamine clinics that use Ketamine for off label purposes are popping up in different places specifically in California. Should Ketamine become widely available this would be an issue the Board should address. She said she highly suggests, and the Formulary Council also suggested the Board restrict the use of Ketamine to non-injectable forms. Revising the rule would prevent the possibility of an ND intentionally or inadvertently using it as a general anesthetic, which is not legal for Naturopaths to do<sup>1</sup>. McNiel said she would be happy to get a statement from the Formulary Council asking the Board to put into rule that Ketamine should not be used in injectable forms to protect the public.

She reminded the Board that ND's could still prescribe Ketamine intranasal or orally for intractable depression, which is dramatically safer than administering it in injectable form. She said the Formulary Council suggested, especially in light of the use of unlicensed personnel in the State of Oregon, allowing ND's to prescribe Ketamine in an injectable form could result in unlicensed personnel administering the Ketamine, resulting in significant danger to the public.

Executive Director Baptista told the Board she did not recall the Formulary Council formally proposing or voting to recommend a rule change to the Board at the March 2018, Formulary Council meeting. Chair Dr. J. Gibbons would like the Formulary Council to come back to the Board with written draft recommendations for changes to the rule regarding Ketamine.<sup>2</sup>

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<sup>1</sup> OF NOTE: Not clear that ND's are not allowed to administer as general anesthetic. See OAR 850-060-0223(2)

<sup>2</sup> OAR 850-060-0223(2)(c)

**Naturopathic Doctor's use of unlicensed personnel:** Board member Dr. L. McNiel said it is not standard of practice in any other health profession to use unlicensed medical assistants to make ongoing medical decisions with an IV. She said the standard practice for unlicensed personnel is to start an IV, but not monitor the IV, because unlicensed personnel are not permitted to make independent judgement calls on adjusting the drip ratio, etc. McNeil is concerned that ND's are allowing unlicensed medical personnel to monitor IV's and make independent medical decisions. Dr. L. McNiel based her opinion on recent cases and inquired whether the Board members were also concerned that ND's may not be using unlicensed personnel correctly.

Dr. K. Jinnah asked if there a difference between what employees with medical training are allowed to do versus someone hired without any medical training. Baptista explained that training and certification are different. Oregon does not require licensure or certification to be a medical assistant. Baptista explained that certification programs in Oregon are basically marketing tools and do not serve a regulatory or legal purpose. Certified and non-certified personnel may carry out the same duties.

The Board discussed the document titled "Guidelines for use of unlicensed personnel of Naturopathic Physicians" drafted by McNiel. Baptista reminded the Board that they do not have any authority over the unlicensed personnel so the statement needs to be directed to and focused on licensee expectations. McNiel asked the Board to provide her with any edits or comments by September 10.

### **Directors Report:**

**2019-2021 Agency Requested Budget:** The agency requested budget will be reviewed by the Governor and then the legislature. The process will go through fall 2018. Revenues look good, there are two major changes in the budget, technology and re-classification changes. We have hired a person to help with our desk top support and transition to the new database. Baptista hopes to have the funds to purchase iPads for all board members and a new computer and laptop for Helena. Each director is asking for re-classification changes to have all the executive directors at the same classification.

**Delegation Authority:** Baptista asked the Board / Board agreed to delegate authority to the ED to approve a probationer's compliance with terms and conditions of probation. Baptista also asked / Board agreed to delegate authority to the ED to suspend a license based on a Department of Justice notice for failure to pay child support.

Baptista will submit a draft of the revised delegation of authority to Dr. Gibbons for final approval.

Dr. J. Gibbons made a motion to give delegate authority to the executive director to approve compliance with imposed terms and conditions of probation, J. Freedman so moved, C. Wiggins seconded, the Board approved unanimously.

Chair Dr. J. Gibbons made a motion to strike the paragraph regarding the board representation on the delegation of authority to the executive director, Board member Dr. K. Jinnah so moved, Board member C. Wiggins seconded, the Board approved unanimously.

Chair Dr. J. Gibbons made a motion delegate authority to the executive director to suspend a license based on DOJ notice of failure to pay child support, Board member Dr. K. Jinnah so moved, Board member C. Wiggins seconded, the Board approved unanimously.

Chair Dr. J. Gibbons made a motion that the final draft of the delegation of the authority be approved by the board chair, Board member Dr. K. Jinnah so moved, Board member C. Wiggins seconded, the Board approved unanimously.

Chart Review Process: Staff sent an email to all licensee's asking those interested in reviewing charts submitted by probationers to contact the Board. The Board received approximately 15 responses. OBNM advised both probationers and licensees of the chart review process.

August Jurisprudence Examination: All examinees from the August 2018 exam passed the exam.

New Licensee Information Sheet: Board Chair asked to add text regarding continuing education for a natural childbirth certificate. No other changes recommended.

Revised CE Approval Process: Baptista will review and approve some of the more straight forward CE applications to reduce some of the burden on the Board. The Board can focus more on the full day or multiple day CE applications. Staff will add a box on CE applications that the applicant can check off if the program was previously approved. Baptista will also review previously approved CE.

Board member Dr. T. Erfling made a motion to approve the CE submitted by Dr. Redding to the Executive Director, Board member Dr. L. McNiel seconded, the Board approved unanimously.

Employee Reviews/Job Descriptions: Have been completed. Chair Dr. J. Gibbons will work with staff next year to revise the executive director's review checklist to better reflect the agency and job description.

Board Member Binders: The Board has received the board member binders. When the new website is completed the contents of the board binders will be online.

Chair Dr. J. Gibbons and Board member Dr. K. Jinnah will be reappointed to the board Fall 2018.

Retirement: David Schleich NUNM President announced June 2019 retirement:

**Public Comment:** No public comment

Board adjourned at approximately 1:11 pm.

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
October 8, 2018

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

The Board went into Public Session at 12:49 pm

**Meeting Minutes:** Dr. K. Jinnah made a motion to approve the August 13, 2018, executive session minutes, Dr. T. Erfling seconded, Board approved unanimously. C. Wiggins made a motion to approve the August 13, 2018, executive session minutes with a minor change, and the public session minutes. Dr. L. McNiel seconded, Board approved unanimously.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:**

**N17-06-22:** Board member Dr. T. Erfling made a motion to close the investigation, Board member Dr. R. Skarperud seconded. The Board approved with one abstention from Board Member Dr. L. McNeil.

**N17-08-145:** Board member Dr. T. Erfling made a motion for proposed discipline, one-year probation, 10 hours of continuing education and civil penalty between \$1000-\$5000, per executive director, M. Baptista's discretion. Board member Dr. R. Skarperud seconded. The Board approved unanimously.

**N17-09-147:** Board member Dr. T. Erfling made a motion to close the investigation. Board member Dr. R. Skarperud seconded. The Board approved with one abstention from Board Member Dr. L. McNeil.

Board member Dr. T. Erfling made a motion to continue investigations on the case tracking form, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**Agency Mission Statement:** Dr. T. Erfling presented the final draft. Board member Dr. K. Jinnah made a motion to adopt the mission statement after minor changes and final look by Dr. T. Erfling, Board member Dr. R. Skarperud seconded. The Board approved unanimously.

**Standard of Practice:** Board member Dr. K. Jinnah is working on a standard of practice document.

**Naturopathic Doctor's use of unlicensed personnel:** The Board discussed the document titled "Oregon Naturopathic Medicine Statement of Philosophy" drafted by McNiel. M. Baptista reminded the Board that they do not have any authority over unlicensed personnel so the statement needs to be directed to and focused on licensee expectations. The Board is deferring the document at this time until a decision is made on whether to engage in rule making on this issue. Board will use the document as a "road map" for any potential rule making.

### **Directors Report:**

Delegation Authority: Executive director M. Baptista asked the Board to delegate authority to her for questions answered yes on the licensure application character and fitness questionnaire. Board agreed to delegate authority to the ED to approve, consult or have the Board review yes answers to certain questions on the license application/renewals.

Board member Dr. T. Erfling made a motion to adopt the delegation of authority to the executive director as written on the 10/8/2018 draft, Board member J. Freedman seconded, the Board approved unanimously.

Board member Dr. T. Erfling made a motion to delegate as discussed the questions regarding the character and fitness for application of licensure dated 10/8/2018, Board member J. Freedman seconded, the Board approved unanimously.

850-060-0223 Formulary Compendium Exclusions – Draft Recommendations. Discussion whether to exclude abortifacients and edits made to the draft rule.

Board member Dr. R. Skarperud made a motion to approve the draft rule pending final approval from Chair Dr. J. Gibbons prior to submitting and initiating the rule making process. Dr. T. Erfling seconded, the Board approved unanimously.

Board member Dr. R. Skarperud made a motion to start rule making process with discussed edits on 850-060-0223, Board member Dr. L. McNiel seconded, the Board approved unanimously.

**Scope of Practice:** Chair Dr. J. Gibbons and M. Baptista will meet with OANP to go over: Doctor patient relations, patient charting and medical records, prescribing, referrals, delegation of responsibility, adequate training for modalities and ethics.

**850.060.0226:** Board member Dr. T. Erfling made a motion to make a correction to an error in rule 850-060-0226, to remove 850-060-0222 replace with rule 850-060-0223, Board member J. Freedman seconded. The Board approved unanimously.

Accounting Position for 833: Baptista advised Board members that 833 Agency heads agreed to hire a Fiscal Analyst 2 to replace the outgoing Accountant 2. Baptista advised the Board that it will not result in any change to the budget or additional fiscal impact to the Board not planned for in the budget. Baptista advised members that LFO Meg Bushman and other Executive Directors discussed Baptista supervising the new hire. Board did not object to Baptista supervising new hire.

**Public Comment:** No public comment

Board adjourned at approximately 2:03 pm.

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
December 10, 2018

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

**Excused Absence:** Public Member: Charles Wiggins

The Board went into Public Session at 11:11 pm

**Meeting Minutes:** C. Wiggins made a motion to approve the December 10, 2018, public board meeting minutes, Dr. R. Skarperud seconded, Board approved unanimously. The Board will review/approve the executive minutes from the October 8, 2018 executive session at the February 11, 2019 meeting.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:**

Administratively Closed Case(s): Board member Dr. T. Erfling made a motion to approve administratively close cases: N17-11-157, N17-11-159, N17-12-168, N17-09-148, N18-02-07, N18-02-08, N18-03-12, N18-10-40X, N17-11-160X, N17-11-156X and N17-07-129X. Board member C. Wiggins seconded. The Board approved unanimously.

**N17-08-145:** Board member Dr. T. Erfling made a motion to defer settlement negotiations to ED Baptista. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N17-04-14:** Board member Dr. T. Erfling made a motion to continue investigation. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N17-07-141:** Board member Dr. T. Erfling made a motion to continue investigation. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N18-08-33:** Board member Dr. T. Erfling made a motion to continue investigation. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N17-11-163:** Board member Dr. T. Erfling made a motion to continue investigation. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N18-03-11:** Board member Dr. T. Erfling made a motion to propose discipline of \$5,000 with probation of 6 months and / or until completion of all probation conditions. Board member Dr. R. Skarperud seconded. The Board approved unanimously.

**N18-12-46:** Board member Dr. T. Erfling made a motion of no discipline, Board member J. Freedman seconded. The Board approved unanimously.



**N17-05-18:** Board member Dr. T. Erfling made a motion of no discipline, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N18-02-06:** Board member Dr. T. Erfling made a motion of no discipline, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N18-02-10:** Board member Dr. T. Erfling made a motion of no discipline, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N18-03-13:** Board member Dr. T. Erfling made a motion of no discipline, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N18-03-16:** Board member Dr. T. Erfling made a motion of no discipline, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N18-04-19:** Board member Dr. T. Erfling made a motion of no discipline, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**N18-09-38:** Board member Dr. T. Erfling made a motion of no discipline, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Board member Dr. T. Erfling made a motion to continue investigations on the case tracking form, Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**Draft Revisions for Approval:** Oregon Administrative Rules 850-060-0223 and 850-060-0226. The purpose of the amendments is to clarify the Formulary Compendium Exclusions and correct a citation error. The Board reviewed/discussed public comments. Board member Dr. L. McNiel made a motion to accept the Formulary Committee's recommendation for the Formulary Compendium Exclusions, Board member T. Erfling seconded. The Board approved unanimously.

**Malpractice Avoidance Strategies for Naturopathic Physicians:** Dr. T. Erfling presented to the Board informed consent form that she received from a malpractice insurance company. The Board agreed that this would be a good starting point for future use in preparing a general informed consent form that licensees could use.

**IV Therapy Seminars:** Dr. T. Erfling presented information on CE resource for IV Therapy providers that the Board can use for disciplining ND's that misuse IV Therapy in their practice.

**Directors Report:** Baptista produced an intake complaint form for staff to use to help streamline the complaint/investigation process. Baptista is going through each intake form/investigation to see which investigation to bring to the Board or to administratively close the investigation.

**Accounting Position for 833:** Baptista advised Board members that 833 Agency heads agreed to hire a Fiscal Analyst 2 to replace the outgoing Accountant 2. Baptista advised the Board that

it will not result in any change to the budget or additional fiscal impact to the Board not planned for in the budget. Baptista advised members that LFO Meg Bushman and other Executive Directors discussed Baptista supervising the new hire. Board did not object to Baptista supervising new hire.

**Budget Update Biennium:** Baptista reported to the Board the budget is in good shape and that each Board member will be receiving an IPAD in the new biennium.

**NPLEX results for August 2018:** Chair Dr. J. Gibbons reported that about 4 years ago NUNM changed their program and went to a block education track. Chair Dr. J. Gibbons would like to see report just for Oregon from NABNE to see if this is affecting the NPLEX exam. Chair Dr. J. Gibbons will contact NABNE to see if a breakdown is available and report to the Board.

**Preceptorship CE:** The Board agreed that rule 850-040-0210(12)(e) reads, preceptors do not receive CE credit for their time of supervising the preceptorship.

**MDMA assisted psychotherapy and ND's:** Licensee sent an email to the Board asking if they received a research license from the DEA can the Licensee prescribe MDMA. Per DEA ND's are not able to prescribe schedule one drugs at this time. MDMA is not legal in the United States.

**Oregon Association of Naturopathic Physicians (OANP) Board certifications/specialties:** This would be through an association.

**Public Comment:** No public comment

Board adjourned at approximately 2:47 pm.