

Oregon Board of Naturopathic Medicine
Public Board Meeting
February 11, 2019

Present: Board Chair: Jennifer Gibbons, ND, Board Members: Lissa McNeil, ND; Tracy Erfling, ND (via telephone); 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 10:47 am

Meeting Minutes: Board member K. Jinnah made a motion to approve the December 10, 2018, public board meeting minutes, M. Baptista will review/verify case numbers to make any corrections in the minutes/agenda, Dr. R. Skarperud seconded, Board approved unanimously. Board member T. Erfling made a motion to approve the October 8, 2018 executive session notes; Board member R. Skarperud seconded, Board approved unanimously. The Board will review/approve the executive minutes from the December 10, 2018 executive session at the April 15, 2019 meeting.

Complaint/Investigation/Discipline Recommendations/Case Resolution Update:

Board member Dr. R. Skarperud made a motion of no discipline in cases **N17-07-139, N17-11-163, N18-10-44, N18-11-45, N17-10-153, N17-12-165** and **N18-05-23**. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Board member Dr. K. Jinnah made a motion to continue investigations as listed on the case tracking form, Board member J. Freedman seconded. The Board approved unanimously.

Ozone Therapy: Dr. L. McNeil's said she has safety concerns with Ozone Therapy as an inhalent and injectable. Chair Dr. J. Gibbons recommended the Formulary Council review the different applications of ozone therapy and give the Board guidance on rule making on Ozone Therapy. Dr. K. Jinnah believes that if Ozone Therapy used correctly is a great benefit to patients. J. Tucker-Davis (Board AAG) will look at the legislative history of biological agent to determine legislative intent.

Board Appointment/Re-Appointment Application Review: Dr. R. Skarperud and Dr. T. Erfling submitted their re-appointment application. ED Baptista began recruitment for Dr. L. McNeil and C. Wiggins seat in December 2018. McNeil and Wiggins second and final terms end June 30, 2019. The Board received applications for the vacant ND position, but did not receive applications for the public member position. The Board reviewed and made recommendations for the vacant ND seats to submit to the Governor's office. The Board members will need to consider who will represent Board on the Formulary Council when Dr. L. McNeil's term expires.

Directors Report: Baptista passed out the budget for the next biennium. Baptista spoke about her meeting with the Legislative Committee on the Board's budget requests, such as the new database and the Legislative Committee overwhelmingly agreed. The Legislative Committee was somewhat concerned about the backlog of cases but after understanding the investigative issues, the Legislative Committee understood. The ED plans on using the funds to purchase iPads for the Board members and update office computers. Dr. McNiel would like a quarterly breakdown of the budget.

HB 2090 – Peer Review: Chair Dr. J. Gibbons and M. Baptista testified in Salem in support of deleting the statutory requirement of establishing a Peer Review Committee. OANP supported the Board's bill. HB 2090 should pass in this session.

OANP: OANP has submitted a bill to address discrepancies in insurance company reimbursements to NDs and MDs.

Accounting Position for 833: M. Baptista advised the Board that the Health Agency Executive Directors agreed to hire a Fiscal Analyst 2 to replace the Accountant 2 position.

IT position for 833: The Health Agencies have agreed to house a full time IT position.

Investigator Position: H. Snyder resigned. Baptista will post the investigator position by the end of February. Chair Dr. J. Gibbons & J. Freedman will sit in on the interviews. OBNM staff will send applications to the Board for the Board to rank each application. The Board agreed Dr. J. Gibbons, J. Freedman and M. Baptista will make the decision on hiring the investigator. Baptista will keep the Board apprised of the process.

Investigative Reports: Chair Dr. J. Gibbons likes the allegations/complaints in the reports broken down. The narrative on the most recent reports is better. Quotes and exhibits have been helpful. The clinical aspect and then the legal aspect helps.

Website Update: Robin Crumpler is waiting for the go-ahead from the Oregon State web designer to start loading content.

Notebooks: Chair Dr. J. Gibbons would like notebooks with the most recent ORS, OAR's and guidelines in the notebooks. Chair Dr. J. Gibbons would like notebooks with the past couple of years consent orders.

Communication During Meetings: Every Board member needs to be able to say their peace without interruptions. Cut down on the secondary conversations.

Rule Changes: Each Board member needs to review the rules then make a list of rules each feels needs to change/define and bring the list to the April 2019 Board Meeting.

NUNM: The NPLEX exams scores are back on track after a few exams in the recent past had low scores. Chair Dr. J. Gibbons will keep eye on future exam scores.

Public Comment: No public comment

Board adjourned at approximately 12:46 pm.

Oregon Board of Naturopathic Medicine
Public Board Meeting via Conference Call
March 26, 2019

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

Excused Absence: Keivan Jinnah, ND, Lac

The Board went into Public Session at 8:35 am

Meeting Minutes: The Board reviewed the two applications submitted for the public member position available July 1, 2019. The Board's recommendation to the Governor's office is Jennifer Anderson.

Public Comment: No public comment

Board adjourned at approximately 8:41 am.

Oregon Board of Naturopathic Medicine
Public Board Meeting
April 15, 2019

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

The Board went into Public Session at 12:30 pm

Meeting Minutes: Board member C. Wiggins made a motion to approve the February 11, 2019 minutes. Board member T. Erfling seconded, Board approved unanimously. Board member T. Erfling made a motion to approve the March 26, 2019 Tele-Conference minutes. Board member J. Freedman seconded, Board approved unanimously. Board member C. Wiggins made a motion to approve the December 10, 2018 executive session minutes. Board member R. Skarperud seconded, Board approved unanimously. Board member T. Erfling made a motion to approve the February 11, 2019 executive session minutes. Board member J. Freedman seconded, Board approved unanimously.

Complaint/Investigation/Discipline Recommendations/Case Resolution Update:

Board member Dr. T. Erfling made a motion to impose discipline in cases **N17-04-14, N17-07-141** and **N18-08-33**: \$20,000 civil penalty, 10-chart review per quarter (under the revised / current system), 5 years of probation and the following CE: 8 hours of patient charting in person, within the first year of probation; 10 hours of doctor / patient confidentiality, within first 3 years of probation.

16-10-30: Board found a violation of probation based on the findings in **N17-04-14, N17-07-141** and **N18-08-33**. The Board recommended the following conditions: Complete imposed 2 hours of CE on charting and 8 of 16 hours on ethics within one year from order / ruling in cases **N17-04-14, N17-07-141** and **N18-08-33**.

Board member Dr. T. Erfling made a motion of no discipline in cases **N17-11-158, N17-10-155** and **N18-09-36**.

Board member Dr. T. Erfling made a motion to continue investigation cases **N18-03-15 & N18-08-35**.

Board member W. Wiggins seconded. The Board approved unanimously.

Board Appointment/Re-Appointment Application Review: Recommendations for the board appointment and re-appointment sent to Ex. Appointments and ED is awaiting their response.

Accounting Position for 833: Jeff Hanson accepted the position as fiscal analyst and will start May 1, 2019.

Investigator Position: Out of the seven applicants interviewed, two stand out over the seven. The interviewers will meet this afternoon to discuss the top two and make a decision.

Directors Report:

- a. Quarterly Budget Report: Will be available at the June 10 meeting
- b. Internal Controls Review Audit: The auditor is going to train staff along with the fiscal analyst. There will be new office policies / procedures after the audit training.
- c. Update on Ozone Therapy from the Formulary Council: The Formulary Council met and agree they should work on recommendations for the Board. Dr. L. McNiel, Dr. C. Ionsecu and Dr. A. Alani are members of the Sub-Formulary Council and will meet in April to discuss Ozone Therapy. Dr. L. McNiel asked the Board if anyone has articles, research etc on Ozone Therapy please forward to MB Baptista.
- d. Wiggins informed the Board that OHA has an opioid committee and thought someone from the Board should be on the committee. Board Chair Dr. J. Gibbons responded that in the past OHA would reach out to Oregon Association of Naturopathic Physicians to see if an ND is interested in being a committee member.
- e. Legislative Update: Peer review committee is moving to work session and will pass. There is a new bill that would remove the religious and philosophical exemptions on vaccinations. OANP has not yet taken a position on the bill. Representative Steiner-Hayward added an amendment to the bill to specifically exclude ND to be able to sign medical exemptions. Baptista had a positive conversation with Steiner-Hayward regarding removing that amendment and allowing ND's to provide their patients with medical exemptions.

Public Comment: No public comment

Board adjourned at approximately 1:18 pm.

Oregon Board of Naturopathic Medicine
Public Board Meeting
June 10, 2019

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

The Board went into Public Session at 12:23 pm

Meeting Minutes: Board member T. Erfling made a motion to approve the April 15, 2019 minutes. Board member K. Jinnah seconded, Board approved unanimously. Board member C. Wiggins made a motion to approve the April 15, 2019 executive session minutes. Board member J. Freedman seconded, Board approved unanimously.

Complaint/Investigation/Discipline Recommendations/Case Resolution Update:

Case **N18-03-11** board member Dr. T. Erfling made a motion to withdraw notice of intent to impose discipline and close the case with no discipline. Board member K. Jinnah seconded. The Board approved unanimously.

Case **N17-11-162** board member Dr. T. Erfling made a motion continue investigation. Board member K. Jinnah seconded. The Board approved unanimously.

Case **N18-01-02** board member Dr. T. Erfling made a motion for no discipline. Board member C. Wiggins seconded. The Board approved unanimously.

Case **N18-01-03** board member Dr. T. Erfling made a motion for no discipline. Board member K. Jinnah seconded. The Board approved unanimously.

Case **N18-03-15** board member Dr. T. Erfling made a motion for no discipline. Board member C. Wiggins seconded. The Board approved unanimously.

Case **N18-08-35** board member Dr. T. Erfling made a motion for no discipline. Board member R. Skarperud seconded. The Board approved unanimously.

Case **N18-12-47** board member Dr. T. Erfling made a motion for no discipline. Board member K. Jinnah seconded. The Board approved unanimously.

Case **N19-06-06** board member Dr. T. Erfling made a motion to delegate to the executive director the authority to enter into an interim consent order if authorized by licensee. Board member C. Wiggins seconded. The Board approved unanimously.

Board member Dr. T. Erfling made a motion to continue investigating the cases on the case tracking form. Board member C. Wiggins seconded. The Board approved unanimously.

Licensee Gender Identification/Name Changes: Governor Kate Brown office has been discussing this topic with the executive directors of the regulatory boards. OBNM is in the process of implementing a new database, which will make this process easier. M. Baptista is finding out whether the board can move forward or if the Board needs to wait for the state.

New Board Members / Thank you to out-going Board Members: Bill Walter, ND, Eugene, OR and Jennifer Anderson, RN, Portland, OR. New board member meeting/training will be held in July, exact date to be determined.

Certificates given to Dr. L. McNiel and C. Wiggins for their great service on the Board.

Welcome Jeff Hanson, Fiscal Analyst/Quarterly Budget Report: Board welcomed Jeff Hanson as the new fiscal analyst. Jeff and M. Baptista traveled to Salem each Wednesday in May for training with DAS. The 2019-2021 budget approved. J. Hanson reported the budget to the Board through March 2019. The Board would like to review the budget quarterly and then the breakdown annually.

Stem Cell Procedures in Naturopathic Medicine: Attorney Adina Matusuru sent the Board an email with a link to a blog regarding ND's practice in Stem Cell Procedures. The blogger and article linked to in the email expresses concern about ND's being allowed engage in this procedure. Board discussed Adina's concern that this blogger and his numerous blog posts paint ND's in a bad light and that it may lead to erroneous complaints that damage ND's reputation. Baptista will monitor complaints and report back to the Board an increase in complaints in this area if / when it happens.

Investigator Position: Doug Cook introduced to the Board as the new investigator.

Directors Report:

- a. Legislative Update: The vaccine bill is not moving forward at this time. The 2019-21 budget passed and the peer review statute was eliminated.
- b. Ozone Therapy Update – Formulary Council: Board member Dr. L. McNiel reported to the Board that the sub-committee would like to see accreditation like the Board has for chelation therapy.

Public Comment: No public comment

Board adjourned at approximately 1:41 pm.

Oregon Board of Naturopathic Medicine
Public Board Meeting
August 12, 2019

Present: Board Chair: Jennifer Gibbons, ND, Board Members: Tracy Erling, ND, Bill Walter, ND, Robert Skarperud, ND; Public Members: Joana Freedman, PT, Jenny Anderson, RN, Mary-Beth Baptista, Executive Director and Joanna Tucker-Davis, AAG

Excused Absent: Keivan Jinnah, ND, Lac

The Board went into Public Session at 11:42 am

Angela Carter, ND & Henry Malus, ND proposal of obtaining a Schedule 1 research DEA license: Information session on MDMA for treatment of PTSD. The Multidisciplinary Association for Psychedelic Studies (MAPS) which is a non-profit in the San Francisco, CA area that has been working on phase one and two of trails for the purpose of PTSD. The study is in phase three trails. There are 15 different sites in the United States, Canada and Israel. The data that is coming in is promising. To have expanded access for this drug from the DEA you need to have the training that the researchers have gone through the trails. When the FDA/DEA have this medication available as a schedule II, the Board should consider adding to our formulary.

Out of Public Session at 12:02 pm

Back into Public Session at 1:06 pm

Present: Board Chair: Jennifer Gibbons, ND, Board Members: Tracy Erling, ND, Bill Walter, ND, Robert Skarperud, ND; Public Members: Joana Freedman, PT, Jenny Anderson, RN, and Mary-Beth Baptista, Executive Director

Excused Absent: Keivan Jinnah, ND, Lac

Welcome New Board Members: Bill Walter, ND, Eugene, OR and Jennifer Anderson, RN, Portland, OR.

Meeting Minutes: Board member R. Skarperud made a motion to approve the June 10, 2019 minutes. Board member J. Freedman seconded, Board approved unanimously. Board member R. Skarperud made a motion to approve the June 10, 2019 executive session minutes. Board member J. Freedman seconded, Board approved unanimously. Board members B. Walter and J. Anderson abstain because they were not on the board during the June 10, 2019 meeting.

Complaint/Investigation/Discipline Recommendations/Case Resolution Update:

Case **N17-11-162** board member Dr. T. Erling made a motion to not issue discipline and close the case. Board member J. Freedman seconded. The Board approved unanimously.

Case **N17-12-164** board member Dr. T. Erling made a motion to issue a notice of discipline for violation of OAR 850-050-0010(1)(a)(B)(b)(A) with proposal of 1 year probation, \$5000 civil

penalty, 10 hours of additional CE in chronic opioid management and 1 hour CE in substance use disorder and quarterly review of 5 charts were controlled substance were prescribed. Board member J. Freedman seconded. The Board approved unanimously.

Case **N17-12-166** board member Dr. T. Erfling made a motion to not issue discipline and close the case. Board member J. Freedman seconded. The Board approved unanimously.

Case **N18-09-37** board member Dr. T. Erfling made a motion not issue discipline and close the case. Board member B. Walter seconded. The Board approved unanimously.

Case **N18-02-09** board member Dr. T. Erfling made a motion to not issue discipline and close the case. Board member J. Freedman seconded. The Board approved unanimously.

Case **N18-04-17** board member Dr. T. Erfling made a motion to not issue discipline and close the case. Board member B. Walter seconded. The Board approved unanimously.

Case **N18-04-21** board member Dr. T. Erfling made a motion to not issue discipline and close the case. Board member R. Skarperud seconded. The Board approved unanimously.

Case **N18-05-22** board member Dr. T. Erfling made a motion to not issue discipline and close the case. Board member J. Anderson seconded. The Board approved unanimously.

Case **N18-06-27** board member Dr. T. Erfling made a motion to not issue discipline and close the case. Board member J. Anderson seconded. The Board approved unanimously. One abstention: Board member B. Walter

Case **N18-10-42** board member Dr. T. Erfling made a motion to issue a notice of proposed discipline - reprimand. Board member R. Skarperud seconded. The Board approved unanimously.

Board member Dr. T. Erfling made a motion to continue investigating cases listed on the case tracking form. Board member J. Freedman seconded. The Board approved unanimously.

FA 2 Position Update: M. Baptista informed the Board that Jeff Hanson has resigned as the fiscal analyst. HRLB's are in the process of open recruitment and will be conducting interviews. This has been difficult process with the five different agencies. The Boards have contracted with SFMS for the interim.

Formulary Council: The Formulary sub-committee has completed their work and will recommend the Formulary Council develop amendments to OAR 850-060-0212 for Board review that will require ND's who engage in Chelation Therapy to comply with a mandatory initial 10-hour training requirement and five additional CE hours every two years. MB. Baptista will prepare a draft rule for the Formulary Council to review and edit at the September 2019, meeting. The goal is to provide a final draft to the Board to review at the bi-October 2019 meeting.

MB. Baptista will seek recommendations for clarifying amendments to 850-060-0212 regarding education requirements for IV therapy from the Formulary Council and Board.

The Pharmacy Board reappointed Natalie Gustafson, and appointed a new member, Will McClatchey to the Formulary Council. Board member J. Freedman made a motion to have Board member B. Walter or T. Erfling will replace Dr. Lissa McNiel as the Board representative on the Formulary Council, J. Anderson seconded. The Board approved unanimously.

Rule Making Peer Review: Board member T. Erfling made a motion to engage in rulemaking to delete OAR 850-005-0185: Peer Review, due to passage of HR 2090, which eliminates ORS 685.205: Peer Review on January 1, 2020. Board member J. Freedman seconded. The Board approved unanimously.

Directors Report:

- a. Pay Equity/Reclassification of ED Position: Five of the agencies ED's were classified wrong and now are classified as D and now complete the pay equity study.
- b. Jurisprudence Exam Results: 9 passed with 100%, the rest passed with 86% or better and total of 67 examinees.

Drew Simpson, Program Coordinator for PDMP, Legislative Update: Drew Simpson and Stephanie Vesik provided an update on the ND's compliance with PDMP mandatory registration. Presently, the Oregon DEA registration information can be linked to 597 ND's licensed in the state. These providers meet the mandate requiring registration and from our current registration approvals, through Friday 8/9/19, 80% have signed up with the PDMP already. Ideally, they would like to see 85% registration from each Board (understanding 100% compliance is unlikely.) The remaining 119 providers listed could include those who are retired or no longer practicing in Oregon and waiting out their license to expire. ED MB Baptista agreed to identify the remaining providers and send a notification re: out of compliance and reminder to register.

Public Comment: No public comment

Board adjourned at approximately 1:41 pm.

Oregon Board of Naturopathic Medicine
Public Board Meeting
October 14, 2019

Present: Board Chair: Jennifer Gibbons, ND, Board Members: Keivan Jinnah, ND, Lac, Bill Walter, ND, Robert Skarperud, ND; Public Members: Joana Freedman, PT, Jenny Anderson, RN, Mary-Beth Baptista, Executive Director and Joanna Tucker-Davis, AAG

Excused Absent: Tracy Erfling, ND

The Board went into Public Session at 11:30 am

Delegation of Authority: J. Tucker-Davis: ORS 183.430: In the case of any license which must be periodically renewed, where the licensee has made timely application for renewal in accordance with the rules of the agency, such license shall not be deemed to expire, despite any stated expiration date thereon, until the agency concerned has issued a formal order of grant or denial of such renewal.

In a case when an agency proposes to refuse to renew a license upon demand of the licensee, the licensee has a right to a due process hearing regarding the Board's refusal to renew. This does not apply to emergency or temporary licenses. Therefore the Board has the choice to renew and issue the license and after the renewal is processed, the Board/Executive director may initiate an investigation.

ORS 183.430 only applies to renewal of active licenses not to persons applying for their initial license. An initial applicant has the burden to prove they are fit for licensure and the Board may choose to investigate prior to issuing an initial license.

The Board agreed to process all 2020 renewals. ED will review "yes" answers to the fitness questions to determine whether to open an investigation or forward to the Board for review and determination.

Meeting Minutes: Board member Dr. R. Skarperud made a motion to approve the August 12, 2019, minutes. Board member J. Anderson seconded, Board approved unanimously. Board member Dr. K. Jinnah made a motion to approve the August 12, 2019, executive session minutes. Board member J. Freedman seconded, Board approved unanimously.

Complaint/Investigation/Discipline Recommendations/Case Resolution Update:

Cases **N17-04-14, N17-07-141 & N18-08-33** board member J. Freedman moved to issue settlement by amended consent order in N16-10-30 per section 2 of defense attorney's letter. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Case **N18-03-14** board member J. Freedman made a motion not to issue discipline and close the case. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Case **N18-06-26** board member J. Anderson made a motion to not issue discipline and close the case. Board member Dr. B. Walter seconded. The Board approved unanimously.

Case **N18-08-31** board member J. Freedman made a motion to not issue discipline and close the case. Board member Dr. B. Walter seconded. The Board approved unanimously.

Case **N19-03-05** board member Dr. B. Walter made a motion to not issue discipline and close the case. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Case **N19-06-08** board member J. Anderson made a motion to not issue discipline and close the case. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Board member Dr. R. Skarperud made a motion to continue investigating cases listed on the case tracking form. Board member J. Anderson seconded. The Board approved unanimously.

IPad Distribution & Board Training (Sarah Casey, IT Operations Specialist): S. Casey, IT Specialist, handed out the iPads to each Board member and gave a presentation on how to use them. Board meeting materials will be loaded to the iPads starting December 2019 meeting, which is easier/confidential way to distribute the meeting materials.

OAR: Review Draft Revisions & Approval for Initiating Rule Making:

- a. OAR Division 30: Applicants do not need to send to the board office undergraduate transcripts or copy of diploma. Applicants will need to retake the jurisprudence exam after 1 year if not licensed in Oregon. To reactive a lapsed license after 7 years, licensee will retake the NPLEX and Jurisprudence exam. If license lapsed for under 7 years, licensee will complete a total of 22 CE 15 hours general CE, 5 hours pharmacy CE, 2 hours ethics CE and retake the NPLEX pharmaceutical exam. Military spouses applying for a temporary permit will be required to take and pass the jurisprudence exam and use the prorated fee structure.
- b. OAR Division 35: Online course for neo natal recitation is fine but also need the in person practical course.
- c. OAR Division 40: Licensee holding a natural childbirth certificate can report 10 CE hours of their OB CE towards general CE. Clean up on this rule and adding the board certifications.
- d. OAR 850-060-0212: About 10 to 12 years ago there was case law surrounding ozone therapy and a ruling that stated: until the board engages in rule making covering ozone therapy ND's are not to engage in ozone therapy. The Board did not initiated rule making and allowed ozone therapy to continue. Because ND's continued ozone therapy it basically created a rule that ND's can continue ozone therapy. To be compliant with case law the Board set up a sub-committee from the Formulary Council members in 2019 to study the issues around ozone therapy and to develop rules around ozone therapy. MB. Baptista re-wrote the rule and listed policies for Board review. The new rule will require certification for ozone and chelation therapy along with prolo therapy, regenerative/repair injection therapy and autologous transplant. Each will have education requirements to renew every 5 years: 10 to 12 hours in addition to 20 hours stated in rule 1 of this OAR.

Review/Scope of Practice and Patient Charting: MB. Baptista told the Board to review scope of practice and patient charting policies for future discussion on rule making.

Directors Report:

- a. Pay Equity/Reclassification of Executive Directors Position: Five agencies executive directors reclassified to PEM-D.
- b. Secretary of State Audit (December 2018):
- c. Key Performance Measure Report: The Board completed their survey.
- d. Financial Analyst 2-Update: MB. Baptista informed the Board she is no longer overseeing the financial analyst 2 position and DAS Shared Financial Services will handle all financials for our agency.

Public Comment:

Board adjourned at approximately 2:23 pm.

Oregon Board of Naturopathic Medicine
Public Board Meeting
December 9, 2019

Present: Board Chair: Jennifer Gibbons, ND, Board Members: Keivan Jinnah, ND, Lac, Bill Walter, ND, Robert Skarperud, ND, Tracy Erfling, ND; Public Members: Joana Freedman, PT, Jenny Anderson, RN, Mary-Beth Baptista, Executive Director, Doug Cook, Investigator and Joanna Tucker-Davis, AAG

The Board went into Public Session at 11:25 am

Meeting Minutes: Board member Dr. K. Jinnah made a motion to approve the October 14, 2019, minutes. Board member Dr. B. Walter seconded, Board approved unanimously. Board member Dr. R. Skarperud made a motion to approve the October 14, 2019, executive session minutes. Board member Dr. B. Walter seconded, Board approved unanimously.

Complaint/Investigation/Discipline Recommendations/Case Resolution Update:

Case **N18-10-42** board member Dr. T. Erfling made a motion to issue a default final order. Board member J. Anderson seconded. The Board approved unanimously.

Case **19-06-07** board member Dr. T. Erfling made a motion for no discipline. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Case **19-04-006** board member Dr. T. Erfling made a motion for no discipline. Board member J. Anderson seconded. The Board approved unanimously.

Board member Dr. R. Skarperud made a motion to give Delegation of Authority to the executive director to issue default final orders and final consent orders. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

OAR: Review Draft Revisions & Approval for Initiating Rule Making:

- a. OAR Division 30: Applicants do not need to send to the board office undergraduate transcripts or copy of diploma. Applicants will need to retake the jurisprudence exam after 1 year if not licensed in Oregon. To reactive a lapsed license after 7 years, licensee will retake the NPLEX and Jurisprudence exam. If license lapsed for under 7 years, licensee will complete a total of 22 CE 15 hours general CE, 5 hours pharmacy CE, 2 hours ethics CE and retake the NPLEX pharmaceutical exam. Military spouses applying for a temporary permit will be required to take and pass the jurisprudence exam and use the prorated fee structure.
- b. OAR Division 35: Online course for neo natal recitation is fine but also need the in person practical course.

- c. OAR Division 40: Licensee holding a natural childbirth certificate can report 10 CE hours of their OB CE towards general CE. Clean up on this rule and adding the board certifications.
- d. OAR 850-060-0212: About 10 to 12 years ago there was case law surrounding ozone therapy and a ruling that stated: until the board engages in rule making covering ozone therapy ND's are not to engage in ozone therapy. The Board did not initiated rule making and allowed ozone therapy to continue. Because ND's continued ozone therapy it basically created a rule that ND's can continue ozone therapy. To be compliant with case law the Board set up a sub-committee from the Formulary Council members in 2019 to study the issues around ozone therapy and to develop rules around ozone therapy. MB. Baptista re-wrote the rule and listed policies for Board review. The new rule will require certification for ozone and chelation therapy along with prolo therapy, regenerative/repair injection therapy and autologous transplant. Each will have education requirements to renew every 5 years: 10 to 12 hours in addition to 20 hours stated in rule 1 of this OAR.

Comments on OAR 850-060-0212: Dr. Manning: Would like to see primary care provider in prolo therapy, regenerative/repair injection therapy. Having certificates in these areas is a move in the right direction but has concerns that the CE requirement is too low. A few doctors have come together with a proposal for entry level, for providers to show they can perform this type of medicine. Would like to see 32 hours CE for joints and spine injection and have an additional level of certification. Ethical concerns/grey areas.

Dr. Moore: Has been teaching prolo therapy and has trained over 400 doctors in injection therapy. She has started a yearlong program to train doctors in injections. She thinks 40 to 50 hours of training is realistic for injection therapy training.

Dr. Oltman: Seems to be a lot of catch up on these types of therapies and is glad that the Board is reviewing rules. CE requirements need to be more and delineated between joint and spine injection.

Board Chair Dr. Gibbons discussed the option of an outside organization coming together to have an exam, something like the ACNO exam for natural childbirth. The exam would be reviewed by the Board for approval if and when it becomes available.

Dr. T. Erfling made a motion to set up a rule advisory committee around injection therapy. J. Anderson seconded. The Board approved unanimously.

Dr. R. Skarperud made a motion to delegate authority to Executive Director MB. Baptista to choose who is on the rule advisory committee. Dr. K. Jinnah seconded. The Board approved unanimously.

Additional OAR Topics:

- a. Reciprocity License/lapsed license over 5 years (loophole): The ND would need to be practicing in another state for at least 3 years to use the reciprocity licensure.

- b. NPLEX pharmacological exam for non-prescribing states: ND's practicing in non-prescribing states who have not taken the NPLEX pharmacological exam and want licensure in Oregon will need to take and pass the NPLEX pharmacological exam.
- c. Jurisprudence exam extend to 2-3 years instead of 1 year: Exam extension for 3 years after taking and passing the exam.
- d. Certificate start date: The rule advisory committee will discuss.
- e. Injections: clarify ND delegation authority: The rule advisory committee will discuss.
- f. CE: Lapsed licensed: Keep as discussed at the October 2019 public meeting. All ND's will enter CE and if ND receives a certificate can upload into the portal.
- g. Dr. T. Erfling made a motion to add to the rules Board members must report CE and upload certificates during renewal each year. J. Freedman seconded. The Board approved unanimously.

Directors Report:

- a. New Database: Is up and running.
- b. Website Update: January: Hoping to have something for the Board to look at in January.
- c. Financial records: Board reviewed.
- d. TEDS-Board member Per Diem: MB. Baptista went over the TEDS form with the Board.
- e. SB 855: Ways to fast track refugee's to ND programs.
- f. PDMP Required Registration: We are at 86%, which is above other licensing boards that have registered with PDMP.

Chart review responses will go to the Board for review in the executive session. After the Board reviews, the ND on probation will receive a copy of the chart review summary.

Mental Health/Substance Use Evaluations: Further discussion in February/April meeting. There will need to be a change in Statute, which means going to legislature.

Board member Dr. B. Walter brought to the Boards attention, Paul Anderson's session at the 2019 OANP conference regarding mixing more than one ingredient seen by the FDA as compounding pharmacy. Dr. B. Walter will reach out for Paul Anderson's recording for the Board to listen/review.

Public Comment:

Board adjourned at approximately 1:32 pm.