

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
February 10, 2020

**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 and Joanna Tucker-Davis, AAG

The Board went into Public Session at 2:12 pm

**Meeting Minutes:** Board member Dr. R. Skarperud made a motion to approve the December 9, 2019, minutes. Board member Dr. T. Erfling seconded, Board approved unanimously. Board member Dr. T. Erfling made a motion to approve the December 9, 2019, executive session minutes. Board member J. Anderson seconded, Board approved unanimously.

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

Case **N18-01-04** board member Dr. T. Erfling made a motion to close case with no discipline. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Case **N18-0-32 & 19-08-11** board member Dr. T. Erfling made a motion to propose 2 years of probation, \$200 civil penalty, 10 hours of CE and quarterly chart review. Board member Dr. R. Skarperud seconded. The Board approved unanimously.

Case **N18-08-34** board member Dr. T. Erfling made a motion to close case with no discipline. Board member J. Anderson seconded. The Board approved unanimously.

Case **N18-10-41** board member Dr. T. Erfling made a motion for letter of reprimand. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Case **19-01-02** board member Dr. T. Erfling made a motion for 1-year probation, 10 hours CE around professional boundaries, \$5000 civil penalty and chaperone in room with quarterly logs. Board member B. Walter seconded. The Board approved unanimously.

Case **19-07-09** board member Dr. T. Erfling made a motion for letter of reprimand. Board member K. Jinnah seconded. The Board approved unanimously

Board member Dr. B. Walter made a motion to delete the peer review 850-005-0185. Board member J. Anderson seconded. The Board approved unanimously. No public comment

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

850-030-0010(2) – If an applicant doesn't apply for licensure within the first three years of passing the jurisprudence exam the applicant will need to retake and pass the jurisprudence exam.

850-030-0195(4)(d) – Add to rule three or more calendar years you will need to retake the jurisprudence exam.

(6)(b) - 1-7 lapsed years, ND will need to retake and pass the jurisprudence exam. Seven or more years lapsed, ND will need to retake the jurisprudence exam and NPLEX exams.

850-04-0210(4) certification rule will not be changed/added but placed on hold until the Therapy Injection Sub-Committee completes their meetings.

850-030-0060 – Fix the loophole in the reciprocity rule. ND applying for licensure from another state will have to mirror Oregon's licensure process. ND must take and pass the Oregon jurisprudence exam.

Board member Dr. T. Erfling made a motion to adopt rule changes: OAR 850-030-0010, 0020, 0030, 0031, 0040, 0035, 0060, 0070 and 0090. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Board member Dr. B. Walter made a motion to adopt rule changes to: OAR 850-040-0210, 850-04-0230 and 850-035-0230. Board member J. Anderson seconded. The Board approved unanimously.

Board member Dr. T. Erfling is the Board representative for Injection Therapy Sub-Committee.

April 2020 is the deadline for statutory concept changes for the 2021-2023 years. The Board discussed deleting the statutory prohibition on abortion and amend the formulary to allow Mifepristone and Misoprostol as an abortifacient. Surgical abortion would still be prohibited by the Minor Surgery statutory provisions. This change would open the door for ND's to be able to work at plan parenthood. Board member Dr. B. Walter proposed to bring this to the Governor's office. The Board approved unanimously.

Board member Dr. B. Walter made a motion to propose adding Board mental health and substance abuse to statutes. Board member Dr. T. Erfling seconded. The Board approved unanimously.

#### Directors Report (Mary-Beth Baptista)

There is a short session bill to remove the financial analyst position from the OBNM budget.

ED advised Board that two Formulary Council members have been on the council for 19 and 21 years, respectively. ED will ask Council members if they would like to continue to serve, one member needs to be re-appointed by the Medical Board, the other by the Board members.

Injection Therapy Administrative Rule Subcommittee Update: OAR 850-060-0212 (IV Therapy, Ozone, Chelation, Regenerative Injections) ED stated the subcommittee is going very well, extremely educational and dedicated group. Broad range of experience and ideas. Draft Rule expected by June meeting.

OANP – Meeting w/Dir. Beth Martin, Dr. Gibbons & ED Baptista. Discussed the drop in medical school admission and collaborating with new leadership at NUNM. Discussed renewals and new database, feedback focused on entering CE.

Board feedback on new database also regarding CE entry and some minor roadblocks.

Board Member Required Training: DAS – EIS – Information Security Awareness &  
DAS – CHRO – Preventing Discrimination and Harassment

April meeting date remains as scheduled.

ADJOURNED

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
April 13, 2020

**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 and Joanna Tucker-Davis, AAG

The Board went into Public Session at 10:39 am

**Meeting Minutes:** Board member J. Freedman made a motion to approve the February 10, 2020, minutes. Board member J. Anderson seconded, Board approved unanimously. Board member J. Freedman made a motion to approve the February 10, 2020, executive session minutes. Board member Dr. B. Walter seconded, Board approved unanimously.

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

Case **N16-10-31** board member Dr. T. Erfling made a motion to suspend civil penalty with conditions. Board member J. Anderson seconded. The Board approved unanimously.

Case **19-01-02** board member Dr. T. Erfling made a motion to withdraw board vote from the February 10, 2020 board meeting and close the case with no discipline. Board member Dr. R. Skarperud seconded. The Board approved unanimously.

Case **N18-0-32 & 19-08-11** board member Dr. T. Erfling made a motion to modify the vote from the February 10, 2020 board meeting. Replace with 1-year probation and online continuing education. Board member J. Freedman seconded. The Board approved unanimously.

Case **19-01-01** board member Dr. T. Erfling made a motion to close case with no discipline. Board member J. Freedman seconded. The Board approved unanimously.

Case **20-03-04** board member Dr. T. Erfling made a motion to close case with no discipline. Board member J. Freedman seconded. The Board approved unanimously.

**Charting Revision Policy**

The Board reviewed the charting policy and if any Board Members have changes, they will send their changes to MB. Baptista. The Board would like to add charting guidelines to the OAR.

**Injection Therapy Administrative Rule Subcommittee Update: OAR 850-060-0212 (IV Therapy, Ozone, Chelation, Regenerative Injections).**

The injection subcommittee met and continued working on the OAR draft. There is a meeting scheduled in May to go over the draft rule, should have a proposed draft ready for board review at the June 2020 board meeting. Board member Dr. T. Erfling is impressed on information from the meeting.

### **COVID 19 – Board Emergency Management Plan**

Seven out of state ND's have applied for the state of emergency license and seventeen inactive Oregon licensees have applied for the state of emergency license. The state of emergency license is only valid for the duration of the emergency. MB. Baptista reminded the Board, jurisdiction / licensure requirements are determined by the location of the patient.

Washington State erroneously told Oregon licensees that Oregon rules are keeping Oregon ND's from practicing in Washington. MB. Baptista spoke with the director of WA board to clarify / correct. The emergency licensure in Washington is more limited than emergency licensure in Oregon. It is an emergency registration and the state notifies ND's if needed.

The Federation of Naturopathic Medicine Regulatory Authorities (FNMRA) is working on compiling the emergency licensing regulations for each state. MB. Baptista will distribute to licensees when the list is available.

Due to continued confusion, MB. Baptista will update the telemedicine guidelines for Board review.

The Board discussed potential effect of COVID 19 on annual CE requirements and licensure renewal cost. The Board will discuss in more detail at the August or September Board Meetings.

Board Member Dr. K. Jinnah discussed feedback he received on the renewal process. The Board discussed complaints from licensees regarding the amount of time it takes to upload CE information, and whether or not uploading the information was required for renewal. Board staff will clarify / explain what is required for submitting CE in the next newsletter.

MB. Baptista submitted two legislative concepts to the Governor's office.

MB. Baptista is working on rewriting discipline rules for Board review at a future Board meeting.

Meeting Adjourned at 11:21 am

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
June 8, 2020

**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, and Executive Director Mary-Beth Baptista.

The Board went into Public Session at 11:00 am

**Meeting Minutes:** Board member Dr. K. Jinnah made a motion to approve the April 13, 2020, minutes. Board member Dr. R. Skarperud seconded, Board approved unanimously. Board member Dr. T. Erfling made a motion to approve the April 13, 2020, executive session minutes. Board member Dr. B. Walter seconded, Board approved unanimously.

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

Case 19-02-03 board member Dr. T. Erfling made a motion to close case with no discipline. Board member Dr. R. Skarperud seconded. The Board approved unanimously.

Case 19-03-04 board member Dr. T. Erfling made a motion to close case with no discipline. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Case 19-10-14 board member Dr. T. Erfling made a motion to suspend civil penalty with conditions. Board member J. Freedman seconded. The Board approved unanimously.

**Injection Therapy Administrative Rule Subcommittee Update: OAR 850-060-0212 (IV Therapy, Ozone, Chelation, Regenerative Injections):** OBNM Injection Subcommittee members Ryan & Tina presented draft rule to the Board and answered questions. MB. Baptista will make changes and post for public comment. The Board thanked the Injection Subcommittee for their hard work drafting the rule.

**Budget Review:** MB. Baptista told the Board there isn't a 3-month cushion and annual licensure fees need to increase by \$50. The Board discussed options such as CE application fees or license verification fees. Board member Dr. B. Walter made a motion to increase annual licensure fees by \$50. Board member J. Anderson seconded. The Board approved unanimously.

**Emergency Rule 137-020-0260 & ORS:** The Oregon Department of Justice (DOJ) put emergency rule in place to protect consumers from ND's advertising unproven preventions of COVID-19.

The Federation developed guidelines April 2020 to assist with messaging and advertising during COVID-19.

**Charting Guidelines:** Executive Director MB. Baptista provided the Board a draft rule for Charting Guidelines the Board to review. Board will discuss and make recommendations at a future meeting.

**Telemedicine Guidelines:** Baptista provided the Board with an updated and revised Telemedicine Guideline. Board member Dr. B. Walter made a motion to adopt guidelines with one minor change. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**COVID 19 – Board Emergency Management Plan:** The Board Retreat is still scheduled for September 11-13. If the Governor extends the State of Emergency into November the retreat will have to be cancelled. Baptista will update the Board if the EO is extended prohibiting non-essential travel.

**Legislative Concept Updates:** MB. Baptista submitted two legislative concepts to Governor's office.

**Board Chair and Vice Chair:** Board Member Dr. B. Walter made a motion to nominate Dr. Jennifer Gibbons as chair. Board Member Dr. T. Erfling seconded. The Board approved unanimously.

Board Member Dr. R. Skarperud made a motion to nominate Dr. T. Erfling as vice-chair. Board Member Dr. B. Walter seconded. The Board approved unanimously.

Meeting Adjourned at 12:46 pm

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
September 11, 2020

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

**Excused Absent:** Joana Freedman, PT

The Board went into Public Session at 12:04 pm

**Meeting Minutes:** Board member Dr. B. Walter made a motion to approve the June 8, 2020, minutes. Board member J. Anderson seconded, Board approved unanimously. Board member Dr. T. Erfling made a motion to approve the June 8, 2020, executive session minutes. Board member Dr. R. Skarperud seconded, Board approved unanimously.

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

Case N18-12-48 board member Dr. T. Erfling made a motion to close case with no discipline. Board member Dr. R. Skarperud seconded. The Board approved unanimously.

Case 19-08-10 board member Dr. T. Erfling made a motion to close case with no discipline. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

Case 19-09-12 board member Dr. T. Erfling made a motion to close case with no discipline. Board member J. Freedman seconded. The Board approved unanimously.

Case 19-12-17 board member Dr. T. Erfling made a motion to impose a discipline - reprimand. Board member Dr. B. Walter seconded. The Board approved unanimously.

Case 20-03-05 board member Dr. T. Erfling made a motion to close case with no discipline. Board member K. Jinnah seconded. The Board approved unanimously.

**Injection Therapy Administrative Rule Subcommittee Update: OAR 850-060-0212 (IV Therapy, Ozone, Chelation, Regenerative Injections):** Board member Dr. T. Erfling made a motion to adopt the new rule. Board member J. Anderson seconded. The Board approved unanimously.

**Administrative Rules for Board review and approval. 850-030-0035 – Fee Increase:** MB. Baptista updated pro-rated licensure fee. Board member Dr. B. Walter made a motion to adopt the new rule. Board member Dr. K. Jinnah seconded. The Board approved unanimously.

**Recommendations Emergency Rule Based on Governors Order and OHA Guidelines / CE:** Review / discussion on PPE / face mask temporary rule during State of Emergency Executive Order. J. Anderson made a motion to adopt temporary rule as discussed with final language



reviewed by Dr. Gibbons and MB. Baptista. Board member Dr. B. Walter seconded. The Board approved unanimously.

Board not changing the CE rule of 32 hours annually for a 7 hours difference of CE, per statute each licensee must complete 25 hours annually.

### **Recommendations for additional changes to Oregon Administrative Rules**

A. OAR 850-001-0010: Board member Dr. B. Walter made a motion to modify the rule to adhere to recent changes to AG model rule. Board member Dr. R. Skarperud seconded. The Board approved unanimously.

B. Charting Requirements: Board to review other agency charting rules at a future meeting.

### **Formulary Council Membership**

- A. Review Alani & Ionescu Letter of Interest to Continue Service. The Board is elated Dr. Alani & Dr. Ionescu want to continue service on the Formulary Council.
- B. Open recruitment for ND member: MB. Baptista to send out notice for recruiting.
- C. OMB to open recruitment for MD member: Board member Dr. K. Jinnah made a motion for MB. Baptista to submit a formal letter to Oregon Medical Board to recruit an MD to sit on the Formulary Council. Board member Dr. B. Walter seconded. The Board approved unanimously.

**Joana Freedman, PT Board Reappointment:** No concerns reappointing Joana Freedman, PT to the board.

### **Directors Report (Mary-Beth Baptista)**

- A. COVID 19 – Update – Executive Orders, Remote Work Limitations: All state buildings closed until November 1, all staff working remotely.
- B. Legislative Concept Updates: Board moving forward with legislative concept to change statute.
- C. SHIP Final Strategies: For review / information only
- D. Gov. Brown Coordinated Efforts on Telehealth in Oregon, Washington, Colorado and Nevada: Board will continue watching Gov. Brown coordinating telehealth licensing between states.
- E. Workforce Survey & Board Inquiry
- F. Jurisprudence Exam Results: The online jurisprudence exam was August 3 and a second exam given August 31 for residency matched applicants. The very first online exams went well.
- G. Budget Revenue / Projections: General information.

Meeting Adjourned at 1:37 pm

Oregon Board of Naturopathic Medicine  
Public Board Meeting  
October 12, 2020

**Present:** Board Chair: Jennifer Gibbons, ND, Board Members: Keivan Jinnah, ND, Lac, Bill Walter, ND, Robert Skarperud, ND, Tracy Erfling, ND; Public Member: Jenny Anderson, RN, Joana Freedman, PT and Executive Director Mary-Beth Baptista.

The Board went into Public Session at 11:08 pm

**Meeting Minutes:** Board member Dr. B. Walter made a motion to approve the September 11, 2020, public minutes. Board member K. Jinnah seconded, Board approved unanimously. Board member J. Anderson made a motion to approve the September 11, 2020, executive session minutes. Board member Dr. B. Walter seconded, Board approved unanimously.

**Complaint/Investigation/Discipline Recommendations/Case Resolution Update:**  
Case N15-03-06 board member Dr. T. Erfling made a motion to amend the consent order to reflect new termination of probation date of October 12, 2020. Board member J. Freedman seconded. The Board approved unanimously.

**Oregon Administrative Rules – Draft OAR Medical Record / Chart Notes:**  
Dr. K. Jinnah made a motion to move forward posting rule for public comment. Dr. B. Walter seconded. The Board approved unanimously.

**Newsletter Recommendations:**  
Renewal Notice: log into the self-service portal to renew, report annual CE. Link to telemedicine guidelines and remind everyone to wear a mask. Notice to recruit new member for the Formulary Council.

**Directors Report (Mary-Beth Baptista)**

- A. Printers and scanners ordered for staff
- B. The Oregon Medical Board recruiting for Formulary Council Member. Natalie Gustafson is the Formulary Council Chair.
- C. An email received from the public, what is NDM acronym? The acronym is Arizona license category not Oregon.

Meeting Adjourned at 12:16 pm

**PUBLIC SESSION - 11:48AM**  
**Oregon Board of Naturopathic Medicine**  
**Public Board Meeting**  
**December 14, 2020**

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

**Public:** Dr. Keith Dickson via telephone

**Excused Absence:** Bill Walter, ND

**(1) Approval of Minutes:**

K Jinnah / J Freedman – motion and second to approve ex session minutes – Board approved

J Anderson / T Erfling – motion and second to approve public session minutes – Board approved

**(2) Complaint Resolution – Dr. Erfling moved, motion seconded, all Board members approved:**

19-10-15 – Impose discipline, 2 yrs. probation, 6 hrs. of CE per year, related to Doctor / Patient Relations & Boundaries, upon application of licensure.

20-05-09 – Impose discipline, civil penalty 10k

20-11-25 - Close / no discipline

20-11-27 – Deny license renewal

20-11-28 thru 20-11-44– Close / no discipline / letter of education

20-05-10- Close / no discipline / letter of education

**(3) PROPOSED DRAFT RULES**

**(A) OAR 850-030-0310 Medical Record / Chart Notes Licensee Responses**

Board filed a Notice of Rule Making to OAR 850-030-0310. In addition to publishing the draft rule as required through the Secretary of State, the Board sent a licensee wide email with the draft and asking for public comment. Board received and read all public comment on the rule. Based on the public comment received, the Board made substantive changes to the draft rule (Exhibit A). Based on the substantive changes, the Board voted to re-file the draft with changes and open public comment on the revised draft.

**(B) 850-001-0010: Hearing Request and Answers: Consequences of Failure to Answer**

Board filed a Notice of Rulemaking. In addition to publishing the draft rule as required through the Secretary of State, the Board sent a licensee wide email with the draft and asking for public comment. No public comment received on this rule. T Erfling moved to approve / K Jinnah 2<sup>nd</sup> –all members approved draft rule.

**Public Comment: Keith Dickson**

Keith Dickson, a recent Bastyr graduate, who missed the deadline for registering the Jurisprudence exam, asked the Board to consider a rule change regarding the bi-annual schedule for the Jurisprudence Exam. He asked the Board to consider following other neighboring states and offer the exam to any time. He also asked the Board to consider exceptions for those who miss the deadline for the Feb / August exam, and / or the Board should provide the exam more frequently.

Keith Dickson left the meeting after giving public comment.

Joanna Tucker-Davis left the meeting at the close of the discussion of the OAR drafts and K. Dickson's public comment.

**(4) Materials Distributed:**

(A) HHS 21st Century Act

(B) Health Benefits of Goods Rule: OAR 137-020-0260

- Notice emailed to Licensees
- OANP DOJ Letter

(C) OANP Position Statements

- Vitamin D3 Request Letter to OHA
- OANP Final Vaccine Statement

**Break @ 1:50 – 2pm (approx.)**

**All members on the call prior to break returned to the call**

**DIRECTOR's REPORT:****21-23 - Bi-annum Budget Update / Governor's Recommended Budget**

The "Health Related Licensing Boards" (HRLB) is comprised of six Oregon Regulatory Boards – Medical Imaging; Cemetery and Mortuary; Speech, Audiology and Pathology; Veterinary Medicine; Occupational Therapy, and Naturopathic Medicine. The Boards, four Boards share an office suite in the Portland State Office Building on NE Oregon Street, all six Boards share some resources.

HRLB is not an Agency created by the legislature, it is an administrative construct. HRLB was created for the purpose of easing budgetary reporting for the six regulatory boards that were in physical proximity to each other. Each of the six Boards maintain their own individual authority by statute and rule, and maintain their own individual Agency budgets. The six regulatory boards / HRLB share a billing code prefix (833), which is used as part of their individual Agency budget code when submitting bills to DAS for their portion of costs for a few shared resources – rent, copier, IT, etc. (One additional semi-independent Board – Board of Physical Therapists, also shares office

space and resources with the six “833” boards and payments are made through memorandums of understanding – signed by the ED of each Board.)

The Board Budget Analyst (Analyst) notified the six boards that comprise HRLB 833, that he recommended abolishment of the “Agency” i.e. HRLB, to occur on June 30, 2021, and that the six boards be transferred to the Oregon Health Authority’s Health Licensing Office (HLO). He also recommended the elimination of OBNM’s administrative specialist position, and transfer the executive director and investigator position to OHA, HLO division.

I exercised my administrative authority and statutory right to appeal the budget recommendation. At the time, the product and process were confidential, however, I was allowed to discuss the Analyst recommendation and Appeal with Chair Dr. Gibbons.

In sum, I made the following appeal:

- Oregon naturopathic doctors have one of the broadest scopes of practice in the country, and are defined as primary care physicians in Oregon statute.
- Doctors who practice naturopathic medicine, are trained to serve as primary care general practitioners who engage in the prevention, diagnosis, management, and treatment of both acute and chronic health conditions.
- Naturopathic physicians may perform minor surgery, practice natural childbirth, and administer injection therapies, giving Oregon N.D.’s an expansive scope of practice and offer patients many options to address their healthcare needs.
- Naturopathic doctors are licensed to diagnose and treat disease, can perform or order diagnostic exams and tests, and can prescribe all pharmaceuticals needed in a primary care practice as well as the natural therapeutics.
- Oregon naturopathic physicians may prescribe medication from one of the most comprehensive formularies in the nation, currently containing over 1700 drugs.
- Oregon Revised Statute 685.145 established a Council on Naturopathic Physicians Formulary, which is composed of seven members. The Purpose of the Council is to revise, maintain, and update the prescribing formulary compendium.
- Oregon NDs can prescribe any pharmaceutical needed for primary care. Naturopathic physicians are the only licensed health care providers with advanced training in drug-drug, drug-herb, and drug-nutrient interactions and/or complications.
- The current statutes and rules - Oregon Revised Statute (ORS) Chapter 685, and ORS 676.160; Definitions for ORS 676.165 to 676.180 and Oregon

Administrative Rules (OAR) Chapter 850; allow the Board / set forth the following:

- Stringent requirements for education, degree, licensing, continuing education as well as the ability to impose discipline.
  - To independently engage in administrative rule making and submit legislative concepts.
  - Ensure all investigations into licensee conduct are thorough and accurate, and decide with autonomy (with AG legal advice) if a Naturopathic Doctor has committed a violation of statute or rule, and what discipline is appropriate to protect the health and safety of the public, should rightly lie with their peers.
- Upon transfer, the Board will no longer be governed by the current statutes and rules as they will be part of OHA/HLO and subject to ORS Chapter 676 and OAR Chapter 331 – which significantly differ from the Board’s current regulatory scheme. To retain some / all of their authority, the Board / Legislature would need to engage in the arduous task of restructuring the statutes and rules governing the Board; including but not limited to:
    - ORS 685.104 – Effect of failure to comply with ORS 685.102; fees, reissuance, of registration.
    - ORS 685.110 – Grounds for discipline; penalties
    - ORS 685.112 – Voluntary limitation on license; removal; limitations
    - ORS 685.135(3) – Certificate of special competency in natural childbirth; rules; fees – the Board may adopt rules applicable to specialty certification
    - ORS 685.145 - The Formulary Council - add, remove, and maintain the formulary of (1700) drugs that may be administered or prescribed by a Naturopathic Doctor.
    - ORS 685.225 – Investigation of complaints and alleged violations; subpoenas
    - ORS 685.990 – Penalties
    - OAR 850-020-0005 – Exercise of Board Authority
    - OAR 850-030-0030 – Applicant Fitness for Licensure
    - 850-030-0055 – Practice in Oregon by Out-of-State Naturopathic Physicians In the Event of an Emergency
    - 850-030-0110 – Use of Unauthorized Material and Misrepresentation in Obtaining License.
    - 850 – Division 50 – Discipline

The 2021-23 Governor’s Recommended Budget (GRB), was publicly released in early November. The GRB documented changes made from the Analyst recommended budget due to the OBNM appeal, including but not limited to:

The policy package originally included a transfer of all revenues, \$864,574 Other Funds in expenditures, two positions and (2.00 FTE) to Oregon Health Authority's

Health Licensing Office (HLO). After agency appeal, it was determined that OBNM will receive a one year transitional budget of \$511,817 Other Funds expenditures, three positions and (1.37 FTE) in its current structure and the second year of funding will occur in HLO. This package has been modified to account for half of projected biennial revenues, expenditures, and FTE.

A corresponding package will be accounted in HLO. OBNM to receive funding for a one year transitional budget under the current structure of the Health Related Licensing Board. OBNM's second year of funding is added to the administrative structure of the HLO, allowing for the details around transitioning administrative functions to be finalized... The transfer maintains the Board's current authorities and oversight.

BOARD QUESTION: How will the OBNM retain its authority after the transfer? What is this going to look like?

OBNM will be transferred to OHA and located in the HLO. The stated intent is to maintain OBNM's current authorities and oversight. The purpose of the transition period is to work with the Boards and stakeholders to make statutory and rule changes in a future legislative session. Which specific statutes and rules will be transferred, and how OBNM will retain its current authority and oversight, is undetermined at this time.

The six boards have a 30 minute meeting set with the HLO director (Sylvie Donaldson) and representatives from the Governor's office on Tuesday, Dec 15, to discuss the transition process. Through the Budget Analyst, Ms. Donaldson sent the EDs of the six boards the statutes regarding the purpose of the HLO prior to meeting on Tuesday:

676.560 Purpose of Health Licensing Office.

(1) To provide for the more effective coordination of administrative and regulatory functions of certain health boards, councils and programs involved in protecting the public through the licensing and regulation of health-related professions and occupations practiced in this state under a uniform mission and uniform goals, the Health Licensing Office is created within the Oregon Health Authority.

(2) The mission of the office is to serve the public by providing a uniform structure and accountability for the boards, councils and programs under its administration to protect the public from harm. The office's focus is to:

(a) Promote effective health policy that protects the public from incompetent or unauthorized individuals and allows consumers to select a provider from a range of safe options.

(b) Provide outreach and training to stakeholders to improve compliance with public health and safety standards, and to involve stakeholders in the regulation of the various disciplines and fields of practice.

(c) Form partnerships and work in collaboration with each constituency, local and state governmental agencies, educators, organizations and other affected entities to encourage diverse opinions and perspectives.

(d) Provide the boards, councils and programs with a standardized administrative forum and procedures for operation, fiscal services, licensing, enforcement and complaint resolution.

(e) Resolve disputes between regulatory entities regarding the scope of practice of persons with authorization by those entities in the professions and occupations overseen by those boards, councils and programs.

BOARD QUESTION: What information did they provide information regarding the financial need for this?

At this time, I have not received any financial / fiscal analysis regarding the transfer. The budget also does not include any transition funds. I was told consolidation would provide financial stability to the six budgets.

BOARD QUESTION: What was the purpose of raising fees this fall for this biennium?

The Board had not raised fees in almost a decade. The Board was advised in the last bi-annum that raising fees in 19-21 bi-annum budget was not necessary. The current Board Analyst advised me (and I advised the Board) earlier this year, that the ending balance / reserved funds was approximately three months total, less than the six months total required.

To ensure we had sufficient funds, we went through the administrative rule process to raise fees by \$50, beginning this annual renewal cycle (Nov 1 – Dec 31 – 2020). The 21-23 budget includes a policy package to ratify that fee raise for the next bi-annum budget.

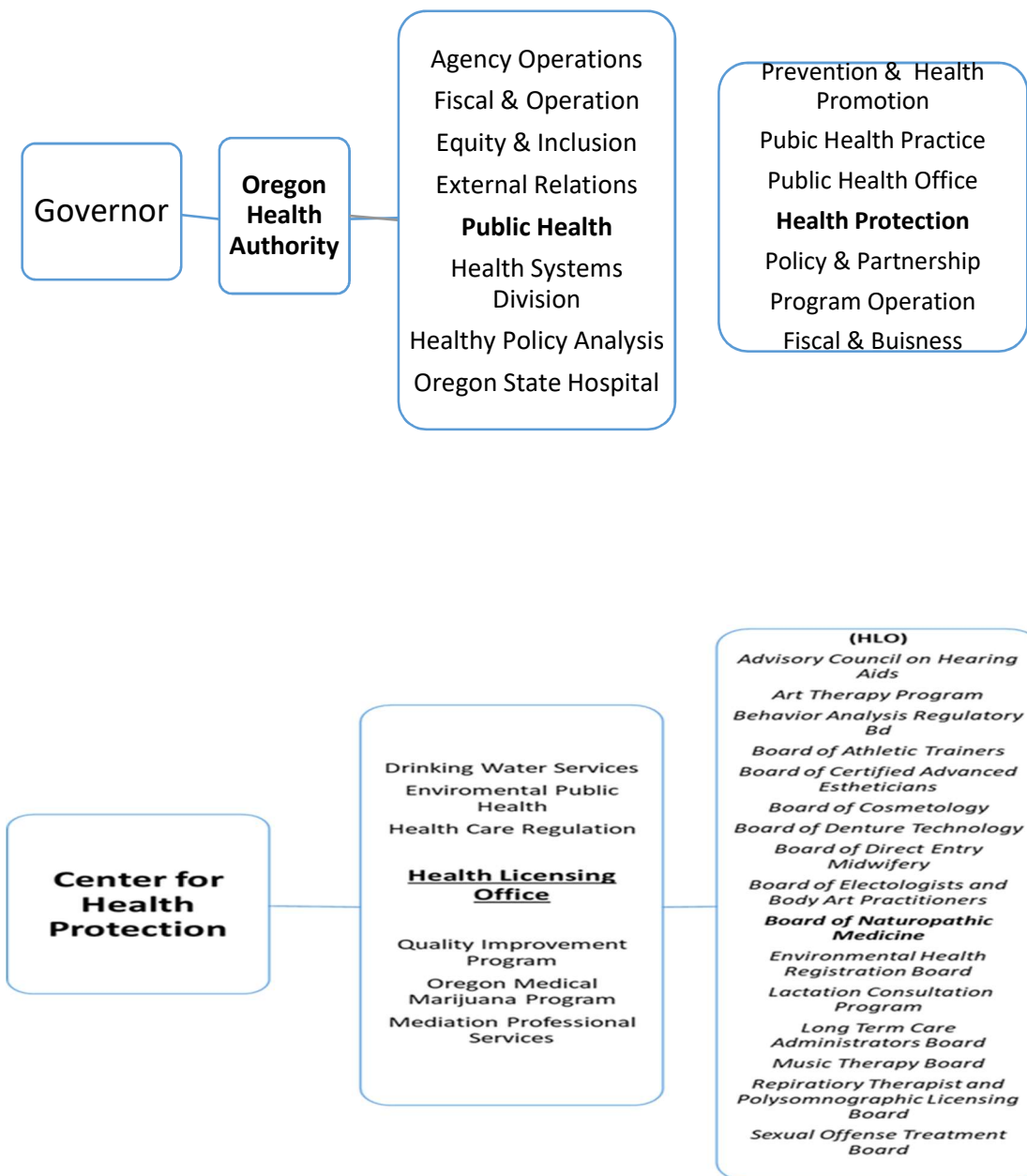
BOARD QUESTION: When we are transferred to OHA / HLO – will all of our licensure fees go to OHA? Will we be issued licenses from OHA / HLO?

OBNM will be an OHA agency / a Board in HLO, and therefore part of the OHA / HLO budget – we will no longer have a separate budget or budget authority. Licensees will pay their licensure fees (and civil penalty etc) to OHA and OHA / HLO controls the budget for all of the Boards in the office – including the Board of Naturopathic Medicine, and OHA / HLO will issue your license.

BOARD QUESTION: Where will the Board be in the OHA structure?

BOARD QUESTION: What other Boards are in HLO?





BOARD QUESTION: Is there an option to go semi-independent or transfer to the Oregon Medical Board?

Those options are not on the table, the GRB recommends transferring OBNM to OHA / HLO.

BOARD QUESTION: Where are other the other Boards, like dentists and nurses – are they part of an HRLB group too, are they being moved to OHA, if not how are other Boards like ours organized?

The Oregon Nursing Board, Board of Dentistry, Board of Licensed Physicatrists, Board of Social Workers and the Board of Chiropractic Examiners have the same organizational chart / structure that OBNM currently has under ORS 685 / OAR 850 – the Board reports directly to the governor, and the executive staff reports to the Board. They are not in the Portland State Office Building and not part of HRLB. Their GRB does not include the recommendation to transfer to OHA / HLO.

### **Legislative Concepts Update**

The Board submitted two Legislative Concepts:

LC 833418: #001: Currently, ORS 685.110(4) Grounds for discipline and penalties - performing an abortion; allows the Oregon Board of Naturopathic Medicine to discipline licensees for performing an abortion. Oregon Board of Naturopathic Medicine submitted a Legislative Concept to remove ORS 685.110(4).

Fiscal Impact: None

LC 833418: #002: Add statutory language to 685.225 Investigation of complaints and alleged violations; subpoenas; that gives the Board authority to require a licensee to undergo a mental, physical, chemical dependency or competency evaluation.

Fiscal Impact: None

**PUBLIC SESSION / BI-MONTHLY BOARD MEETING ADJOURNED 2:59PM**