

OREGON BOARD
OF
NATUROPATHIC
MEDICINE

BOARD MEMBER
MANUAL

TABLE OF CONTENTS

| | |
|---|------------|
| Introduction – Board of Naturopathic Medicine | Page 1 |
| Naturopathic Formulary Council | Page 2 |
| Board Regulatory Authority | Page 3 |
| Complaint / Investigation / Discipline Process | Page 4-5 |
| Board Member Composition & Responsibilities | Page 6 |
| Bi-Monthly Board Meetings | Page 7 |
| Creating, Amending or Repealing Statutes & Administrative Rules | Page 8 |
| Continuing Education | Page 9 |
| Fitness for Licensure | Page 10 |
| Budget Process | Page 11 |
| Affirmative Action Plan | Page 12 |
| Executive Director & Board Staff Responsibilities | Page 13-16 |
| Additional Information Acronyms | Page 17 |

1. Introduction – Board of Naturopathic Medicine

The Oregon Legislature established the Board of Naturopathic Medicine in 1927. Over 3,500 licensees have been issued since 1927. The Board issues approximately 50-60 new licenses a year. The number of licensees has increased from 225 in December 1998 to over 1,250 in January 2023.

Sixteen states and four provinces allow the practice of naturopathic medicine: Alaska, Arizona, British Columbia, California, Colorado, Connecticut, Hawaii, Idaho, Kansas, Maine, Manitoba, Minnesota, Montana, New Hampshire, North Dakota, Ontario, Oregon, Saskatchewan, Utah, Vermont, and Washington.

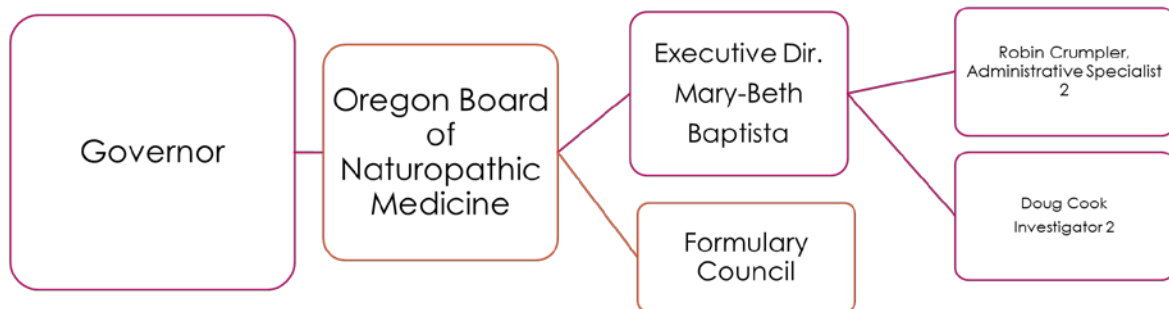
The over 1250 licensed naturopathic doctors in the State of Oregon have one of the most expansive scopes of practice in the country and offer patients many options to address their healthcare needs. Oregon Naturopathic Doctors are defined as primary care physicians by statute, and engage in the prevention, diagnosis, management, and treatment of both acute and chronic health conditions. Naturopathic physicians may perform minor surgery, practice natural childbirth, and administer injection therapies. 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.

Mission Statement

The mission of the Oregon Board of Naturopathic Medicine (Board) is to regulate, through the Oregon Revised Statutes and Administrative Rules, the practices of naturopathic medicine to ensure protection of the public. The Board promotes excellence in the practice of naturopathic medicine by assuring quality education, regulating naturopathic practices, and fostering ongoing public outreach. In this manner, the Board cultivates public trust and safety by ensuring the State of Oregon is served by naturopathic professionals providing the highest standards of care.

Organizational Structure

The Board staff consists of three full time employees that directly report to the Board of Naturopathic Medicine:



2. Naturopathic Formulary Council

The Naturopathic Formulary Council consists of seven members. One member of the Board of Naturopathic Medicine is appointed by the Board. One physician licensed by the Board of Naturopathic Medicine is appointed by the Board. Two pharmacists licensed by the State Board of Pharmacy are appointed by the State Board of Pharmacy. One physician licensed by the Board of Medical Examiners for the State of Oregon appointed by the Board of Medical Examiners for the State of Oregon. Two additional members are appointed by the council who hold an advanced degree in either pharmacology or pharmacognosy. Each member serves a two-year term and is eligible for reappointment

685.145(3) Council on Naturopathic Physicians Formulary; members; duties; compensation and expenses; rules.

- (a) The council shall establish a formulary of drugs that may be administered or prescribed by a naturopathic physician. The council shall review the formulary periodically.
- (b) A naturopathic physician may request that the council add a drug to the formulary by submitting an application in a form prescribed by the Oregon Board of Naturopathic Medicine. If the council determines that the drug may be beneficial in the practice of naturopathic medicine, the council may add the drug to the formulary.
- (c) Immediately upon adoption or revision of the formulary, the council shall transmit the formulary to the board, which must adopt the formulary by rule.
- (d) A naturopathic physician may only administer or prescribe drugs that are included in the formulary adopted by the board.

3. Board Regulatory Authority

The Oregon Board of Naturopathic Medicine operates under the authority of Oregon Revised Statutes, [Chapters 685](#) and under [Chapter 850](#) of the Oregon Administrative Rules.

Specifically, the current statutes and rules give the Board the authority to enforce, engage in, and require the following:

- Ensure all complaints regarding licensee conduct are the subject of a thorough and accurate investigation. Board members – licensees peers, decide with autonomy (in consultation with DOJ legal advice) if a Naturopathic Doctor has committed a violation of statute or rule, and determine what discipline is appropriate to protect the health and safety of the public.
- Autonomous authority to engage in administrative rule making and submit legislative concepts.
- Stringent requirements for education, degree, examination, fitness for licensure, licensing, required continuing education areas and hours.

4. Complaint/ Investigation/Discipline Process

The Board office receives all complaints regarding Naturopathic Physicians. Complaints come in from patients and / or their family members, insurance companies, other medical providers, naturopathic physicians, or another licensing authority. Complaints range in scope from negligent treatment, negligent prescribing, inadequate charting, ethics violations, substance abuse.

Complaint Intake: The Board opens an investigation into every complaint. The Board sends a complaint acknowledgement letter to each complainant, advising the Board has opened an investigation into their complaint and informs them of the next steps in the investigation process. All complaints into licensee conduct are confidential.

Investigation: The Board has subpoena power, meaning the authority to subpoena evidence pertinent to the investigation, including but not limited to medical records, appointment calendars, and to interview people related to the investigation. In most cases, the Board investigator interviews the complainant and any witnesses identified by the complainant. The Board investigator interviews the Licensee that is the subject of the investigation.

The investigator writes an investigative report that summarizes the evidence for each allegation in the complaint. The Executive Director reviews the investigative report and any relevant evidence from the file to determine if the investigation is thorough and impartial prior to the Board's review. When the investigation is ready for Board review, final investigative reports are sent to the Board members for their review prior to the subsequent Board meeting.

Board Deliberation: Board members review all pertinent investigative materials to determine the appropriate outcome of the case. Board members discuss the facts presented in the investigation and deliberate the disposition of the case during the executive session of the bi-monthly Board meetings.

The Board may direct the staff to conduct additional investigation, close the case with no discipline, or find the licensee in violation of statute and rule and impose discipline.

Case Disposition: The Board reviews the investigation using the "reasonable (ND) person standard" and decides whether a licensee committed a violation or statute or rule per preponderance of the evidence standard (whether it is more likely than not the conduct occurred). If the Board determines by the preponderance of the evidence that a violation occurred, the Board then determines the appropriate discipline.

Proposing Disciplinary Action: For each violation, the Board may impose a civil penalty up to \$5,000, a letter of reprimand, term of probation, continuing education, license limitation, including suspension or revocation.

Factors the members use to determine discipline, include but are not limited to the severity and number of violations, the degree to which the patient and / or public was endangered and / or harmed, licensees' previous discipline.

Notice of Proposed Disciplinary Action: The Executive Director (or in some cases the Assistant Attorney General) communicates the proposed discipline to the licensee (or licensee's attorney) through a "Notice of Proposed Disciplinary Action and Opportunity for Hearing" via certified letter.

Contested Case / Opportunity for Hearing: Licensees are entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183). The hearing is conducted by and Administrative Law Judge (Judge) from the Office of Administrative Hearings. The Judge will propose a Final Order to the Board after the hearing. However, the Board has the final decision-making authority in any action issued.

Settlement / Consent Order: Licensee, or Licensee's attorney may approach the Board to settle the case and the parties may enter a "Consent Order." Generally, a consent order is voluntary agreement that has the same effect as a court order and can be enforced by the court if anyone does not comply with the orders.

Disciplinary Actions are a Matter of Public Record: Disciplinary actions remain permanently on a Licensees public record, including a Notice of Proposed Disciplinary Action, in instances when final discipline is not issued.

5. Board Member Composition & Responsibilities

In 2003 the Legislature expanded the Board membership to seven, five Naturopathic Physicians and two public members. Members are appointed by the Governor and subject to confirmation by the Senate. Board members can serve two, three-year terms. The five naturopathic physicians must practice continuously in the state for five years immediately prior to the date of appointment. The two public members may not have any connection to a naturopathic physician.

Annually, the Board appoints and/or reappoints a Board member to act as Board Chair. Chair responsibilities include approving meeting agendas, facilitating and maintaining order at each meeting, provide back up and/or approves fiscal matters related to Board operations, and engage in outreach activities decided upon by the Board.

Board members are appointed to serve in the public's interest. The primary responsibility of each Board member is to work cooperatively with other Board members to protect the health, safety, and welfare of the public. Strategic planning retreats are held bi-annually to review and address Board priorities, goals and areas of public interest.

The authority to act is granted to the Board as a whole, not to individual members. Questions directed at individual Board members from licensees, stakeholders and the public about Board matters should be referred to Board staff. Board members are often seen as representatives of the Board in both their professional and personal life. Personal opinions must be clearly delineated when responding to any inquiries.

Board members are currently paid \$160 for time spent on meeting prep and \$160 for attending the bi-monthly meeting. (ORS 292.495) Board members are reimbursed for per diem and travel expenses.

Confidentiality

Members of the Oregon Board of Naturopathic Medicine (Board) regularly handle and read confidential information that, if released, could cause irreparable damage to the public, licensees, and the Board.

Maintenance of confidentiality is the responsibility of each Board member, and the shared responsibility of all staff who work in any capacity for the Board. Confidentiality can be breached in many ways. Most are preventable. To minimize risk, Board members and staff should keep files closed when not working with them, do not save Board business or keep confidential information on personal computers, do not allow unauthorized people to view the records/files.

Board members must adhere to the statutes defining confidentiality of complaints and investigations: ORS 676.165, 676.175, 685.115, 685.220, and 685.225. Violation of this policy may be cause for removal from the Board and possible disciplinary action up to and including a civil penalty per ORS 685.990.

6. Bi-Monthly Board Meeting

Board meetings are held six times a year, with emergency meetings held as necessary. Meetings are customarily held on the second Monday of the even numbered months, at 930am. Board meetings are typically held in the Portland State Office Building, with an option for remote participation as necessary. Regular attendance by all Board members is required to ensure meaningful discussion and fair decisions. Members may request an excused absence, or modifications to the schedule, from the Chair and / or the Executive Director.

Each meeting is divided into two parts: Executive Session and Public Session.

Executive Session:

Board meetings typically begin with the Executive session. The Board discusses confidential information during the executive session and therefore executive session is not open to the public. No votes are held in executive session.

Board staff uploads confidential materials for discussion during executive session to members password protected Board issued I-pads a week to ten days before the Board meeting. These documents must be kept secured. The executive session materials consist primarily of completed investigations of complaints made or allegations against a licensee for violating an Oregon Revised Statute (Statute) or Oregon Administrative Rule (Rule). The Board members are expected to read the reports and the corresponding Statutes and Rules to be prepared to deliberate and make a finding in the case, as described in Section 4 above.

Public Session:

All Board votes and final decisions must be made in public session. A quorum of members (4) must be present to vote and make decisions.

Board staff solicits recommendations from Board members for public session agenda items. The Board may invite guest speakers to address the Board. Members of the public may contact the Board office and ask to have a topic placed on the meeting agenda. Board agendas are approved by the Executive Director and / or Board Chair.

Board staff provides public notice of each meeting, remote options may be available for public members to attend. Time is set aside at the end of each meeting for public comment. This time is allotted for those in attendance, after being recognized by the Board Chair, to make comment to the Board on matters discussed during the meeting.

7. Creating, Amending or Repealing Statutes and Administrative Rules

The Board has the authority to propose changes in the Oregon Revised Statutes and engage in Oregon Administrative Rule Making and.

Oregon Revised Statutes (ORS): Statutes may only be adopted or revised with legislative action. The Board may present legislative concepts to the Office of Legislative Counsel prior to the bi-annual legislative session.

The Board must vote in public session to adopt and/or revise a statute. The Board must submit his “legislative concept” to the Office of the Legislative Counsel (LC). The LC drafts the concept, checks for legal sufficiency, and gives the concept a bill number.

The bill may be assigned to a legislative subcommittee. If assigned, the subcommittee will hold a public hearing, allowing the public to submit public testimony on the bill. After the hearing, the subcommittee may hold a work session for further discussion on the bill and decide whether to send the bill to full committee, return it to the subcommittee for additional work, or table the bill for the remainder of the session. If moved forward by the subcommittee to the full committee; the full committee decides whether to send it to the floor of the Senate or House for a vote. If subsequently approved, then bill is advanced for signature by the Governor to become law.

Oregon Administrative Rules: The Board engage in rulemaking to amend, repeal or adopt administrative rules. The Board is required to notify the public of a proposed rule and provide a public comment period of no less than 28 days. If more than 10 people request a hearing on the rule, the Board must hold a public hearing on the proposed rule. The Board must also notify designated legislators and file the proposed rule with the Secretary of State’s office before it becomes effective. The Board must vote in public session to adopt the proposed rule as a permanent rule.

The Board may file a temporary rule if there is an immediate need for a rule change. Public comment period is not required for a temporary rule, and it becomes effective immediately upon filing. Temporary rules are only valid for 180 days.

8. Continuing Education

The Board establishes standards of professional responsibility, practice, and continuing education for licensees. The purpose of the program is to protect the public by ensuring that practitioners meet and maintain high standards of practice.

Licensees are required by Administrative Rule to obtain 32 hours of continuing education (CE) annually. Licensees are required to submit proof of completed education through the self-service portal in the database for licensure renewal. Additionally, licensees are required to obtain specific continuing education prior to engaging in certain therapies and areas of treatment.

Board and staff approve continuing education for many licensee activities as listed in administrative rule, and programs for other state agencies, national and international organizations.

9. Fitness for Licensure

The Board determines the qualifications for fitness of applicants for licensure by conducting a Law Enforcement Database Services (LEDS) and FBI criminal history check of each initial licensure applicant as an additional means of assuring public safety.

The Board also administers the state jurisprudence exam four times annually, in coordination with the national licensing exams. The Board also reviews fitness for licensure during each renewal period through a fitness for licensure questionnaire and LEDS and FBI criminal history check.

10. Budget Process

Budgets are submitted and approved on a biennial basis. The first step in the process is the Agency Requested Budget (ARB), then the Governor submits the Governor's Recommended Budget (GRB) to the Legislature. The legislature makes the final budget decisions in the Legislatively Adopted Budget (LAB). Budget preparation commences in March of even-numbered year and finalized in August of the same even-numbered year.

Agency Requested Budget:

The Executive Director prepares the budget. The Executive Director provides the Board notice and information regarding Policy Packages (expenditures not included in base budget) included in the Budget. The Agency Requested Budget is reviewed by the Department of Administrative Services (DAS) Budget and Management Division (BAM) and the Legislative Fiscal Office. Each biennium the Board is assigned a budget analyst from DAS to assist them with the budget process. The Board is also assigned an analyst from the Legislative Fiscal Office (LFO). The Chair of the Board approves / signs the finalized Agency Requested Budget.

Governor's Balanced Budget:

The next phase comes after the BAM analyst and the LFO analyst have reviewed the ARB and submits the Governor's recommended budget (GRB) to the legislature. This GRB is presented to the appropriate budget committee of Ways and Means. The Executive Director (ED) is expected to testify in front of the committee and answer their questions. The Board Chair or designated Board member may accompany the Executive Director.

Legislatively Approved Budget:

This is the final budget after it has been approved by the Legislature. Once approved, the Board must operate within this limitation from July 1 in the odd numbered year through June 30 in the next odd numbered year. {Example: July 1, 2021 – June 30, 2023 }

Most of the costs in a Board's budget are pre-determined by a price list (fixed costs for rent, insurance, inter and intra-agency charges) for services and supplies. The inflation rate by which an agency can increase non-price list items is also pre-determined. The price list and inflation rate are determined by DAS. Salary, retirement, health care, and Board per diem are also predetermined. The Board has flexibility in its in-state and out-of-state travel, office expenses, duplicating costs, dues and subscriptions, and a few other items. The Board's budget is given a target amount that it cannot exceed when preparing the base budget, which is the previous biennium's budget and price list and inflation rate. The Executive Director may be required to request an increase in limitation if circumstances prevent the Board from staying within the approved limitation.

Periodically, Shared Client Services sends the Board the accounting reports, showing expenses incurred, to whom bills were paid and revenue received. Board staff verifies the accuracy of these reports and determine whether make necessary spending adjustments. The Executive Director shares the accounting reports with the Board on a quarterly basis.

11. Affirmative Action Plan

The Oregon Board of Naturopathic Medicine recognize and appreciate the importance and benefits of inclusion. Board members and Board staff are committed to promoting diversity, equity and inclusion in all aspects of our work. We consistently seek out education and training to learn and employ best practices for creating an inclusive environment for non-majority persons. We strive to cultivate an atmosphere that sustains their presence and participation in the workplace and on Board.

The Board recognizes that affirmative action; diversity, equity and inclusion go beyond those employed by the Board. The Board members and staff consciously consider elements of affirmative action when slating new board members and choosing vendors and contract workers.

To meet the objectives of the Agency's Affirmative Action and Equal Employment Opportunity initiative, the Agency has prepared an Affirmative Action Plan and Policy Statement that will serve to eliminate and prevent discrimination and maintain an inclusive workplace.

12. Executive Director and Board Staff Responsibilities

The Executive Director is the overall administrator responsible for all aspects of the agency, the Board and staff work collaboratively to accomplish the following:

- Coalition building, public and stakeholder outreach, including interacting and keeping the legislature informed regarding the Board and profession.
- Communication with licensees and the public through the quarterly [newsletter](#), email notifications and the Board website.
- Meet with the Executive Director of the Oregon Association of Naturopathic Physicians (OANP), leadership of the National University of Naturopathic Medicine (NUNM), coordination with the North American Board of Naturopathic Examiners regarding the NPLEX exam and the Oregon Jurisprudence Exam, the leadership and Board of the Federation of Naturopathic Medicine, and regular meetings with other state health related regulatory agencies.
- Regularly attend Continuing Education / Conferences focused on regulatory practices, administrative law, and naturopathic medicine. Frequent communication with continuing education providers and naturopathic physicians to ensure the highest quality continuing education for the benefit of the profession.
- Conducting and overseeing investigations, disciplinary process, contested case management, probation oversight
- Fiscal management, budget oversight and preparation.
- Personnel, accounting, contracting, risk management.
- Developing and submitting administrative rules, policies and procedures

2023.06 Delegation of Authority to Executive Director

The Oregon Board of Naturopathic Medicine (Board) has the authority to delegate authority to the Executive Director for the purpose of fulfilling the Board's mission in the licensing and regulation of naturopathic physicians.

The Board's statutory authority is found in ORS Chapter 685; Administrative Rules are OAR Chapter 850. The Executive Director is being delegated the following authorities.

The Board has delegated the following responsibilities to the Executive Director:

Day to Day Operations: Provide managerial oversight of all staff permanent and temporary following the policies and guidelines of DAS. Maintain database with licensee contact information for the public and contact information for board only use. Provide and maintain accessible complaint filing - process.

Licensure: Accept, review, process and ensure licensure applicants have submitted a complete application with all supporting documents for licensure. Ensure applicant meets licensure qualifications per ORS 685.010, 685.020, 685.060, 685.070, 685.080, 685.085, 685.091 and 685.100, and OAR Chapter 850.

License Renewal: Create an annual renewal questionnaire to be completed by licensees at annual renewal. Provide statutorily required notification of renewal deadlines, CE requirements and fees. Accept record and deposit all fees for renewals. Conduct random continuing education and criminal record audits. Assure all license renewals follow ORS 685.100, 685.102, 685.104, 685.106, 685.195 and OAR Chapter 850. If licensee's criminal record check or fitness for licensure questionnaire, by statute or rule present grounds for denial of licensure, the Executive Director will present the information to the Board for deliberation whether to deny the license and/or initiate an investigation.

Administer Examinations: Administer the state Jurisprudence examination per Oregon Administrative Rule.

Approval of CE Program and Licensee Applications: The Executive Director may approve continuing education applications from program providers or licensees that meet the standards set forth in OAR 850-040-0210, 850-040-0230, and OAR 850-040-0240; The Executive Director or designee will notify the applicant of approval and post approval information on the Board web site. The Executive Director will present to the Board CE applications for consideration when there is a question on meeting the standards set forth in the aforementioned rules.

Complaint Intake and Investigation: Issue subpoenas. Prepare and oversee investigations. Ensure investigations are timely, complete, and consistent with reports submitted to the Board. Issue Interim Consent Orders where licensee agrees not to practice during pendency of investigation.

Notices: After board vote, draft and issue notices of proposed discipline. When a hearing is requested, work with board counsel during hearing process.

Negotiate Discipline and Issue Final Orders: After notice has been issued, negotiate discipline terms and conditions with licensees and/or their counsel and execute Consent Orders. Issue final Default Orders upon expiration of time allotted for requesting a hearing.

Enforcement: Assure confidentiality, consistency and compliance with ORS 192, ORS 676, ORS 685.115, 685.125, 685.205, 685.210, 685.220, 685.225 and 685.990, and OAR 850.

Compliance: Assure compliance with all Board orders. Report to the Board when a licensee is not in compliance of a signed order. Draft, issue and execute an additional action voted on by the Board.

Publish Disciplinary Action: Publish all final disciplinary action taken by the Board in a timely manner, providing easily accessible and updated information to the public.

Administration: Provide the Board access to administrative matters relative to the operation of the Board. Provide the Board quarterly updates on accounting and information relevant to the financial wellbeing of the agency. Prepare and consider all administrative, personal services and services and supplies for the biennial budget to be presented to the Legislature by the Executive Director.

Public Presentation: Executive Director may speak as the Executive Director of Board at public meeting. The Executive Director may speak for the Board with prior approval on the presentation and content.




Board Representation: Executive Director may act as a representative of the Board to the North American Board of Naturopathic Medicine (NABNE), administrators of the Naturopathic Medical Examinations (NPLEX) and to the Federation of Naturopathic Medicine Regulatory Authorities (FNMRA) and other organizations approved by the Board.

This authority has been reviewed with the Executive Director and approved by the Board of Naturopathic Medicine.

This delegation of authority is to be reviewed and update biennially.

This delegation of authority is to be reviewed and updated upon hiring an Executive Director.

This has been updated and voted on June 12, 2023.

| | |
|---|--|
|  |  |
| Joana Freedman, Board Chair | Date |
|  | June 27, 2023 |
| Mary-Beth Baptista, Executive Director | Date |

June 2023

13. Additional Information
Acronyms

| | |
|--------------|---|
| OBNM | Oregon Board of Naturopathic Medicine |
| OBNE | Oregon Board of Naturopathic Examiners (Name changed in 2009) |
| ORS | Oregon Revised Statute |
| OAR | Oregon Administrative Rule |
| DOJ | Department of Justice |
| SAAG | Senior Assistant Attorney General (our legal counsel) |
| AAG | Assistant Attorney General |
| OAH | Office of Administrative Hearings |
| ALJ | Administrative Law Judge |
| DAS | Department of Administrative Services |
| SCS | Shared Client Services |
| LFO | Legislative Fiscal Office |
| BAM | Budget and Management |
| LC | Legislative Counsel |
| LAB | Legislatively Approved Budget |
| AHFS | American Hospital Formulary Service |
| FNMRA | Federation of Naturopathic Medicine Regulatory Authorities |
| NABNE | North American Board of Naturopathic Examiners |
| NPLEX | Naturopathic Physicians Licensing Examinations |
| OANP | Oregon Association of Naturopathic Physicians |