



Oregon

Tina Kotek, Governor

Board of Naturopathic Medicine
800 NE Oregon, Suite 407
Portland, OR 97232-2187
Phone: 971-673-0193
www.oregon.gov/OBNM

Oregon Board of Naturopathic Medicine – Public Meeting Minutes

DATE / TIME: December 11, 2023.

LOCATION: 800 NE Oregon Street, Room 445, on the fourth floor Portland, OR. If attending the Public Session, you will need to check in with security and wait to be escorted to the fourth floor.

A request for an interpreter or other accommodation for persons with disabilities should be made at least 48 hours before the meeting to naturopathic.medicine@obnm.oregon.gov.

Conference Call: Approximately five minutes prior to the 9:30 start of the meeting please follow the directions listed below:

- Dial 1(866)528-2256 and enter the following participants pass code: 8467947 to be connected to the meeting. This phone line will stay connected for the duration of the meeting.
- The teleconference system will notify you that you are connected.

Executive Session will be held according to ORS 192.660 (2)(f) (information or records exempt from public disclosure), and 192.660(2)(k) (information obtained as part of an investigation of licensee or applicant conduct). Public Session held according to OAR 192.610 to 192.690 Public Meetings Laws.

The Board Chair has the discretion to change the agenda.

PRESENT: Board Members: Board Chair Joana Freedman, PT, Bill Water, ND; Meghan Larivee, ND, Ryan Martin, ND, Ryan Minarik, ND, Zia Robles-Hernandez, ND; Public member Kate Watkinson Wright & Joanna Tucker Davis, AAG, Mary-Beth Baptista, Executive Director & Doug Cook, Investigator. No members of the media present. Haylee Morse Miller,

Into Public Session approximately 12:15 pm

1. Welcome Public Member Kate Watkinson Wright
2. Approval of October 9, 2023, Executive and Public Meeting Minutes
3. Complaint / Investigation / Discipline Recommendations / Case Resolution Update.
(23-01-02) – No discipline
(23-03-08) – No discipline
(23-04-11) – No discipline
(23-04-13) – No discipline
(23-05-17) – No discipline
(23-05-20) – Notice of Proposed Discipline
(23-07-26) – Notice of Proposed Discipline
ONGOING INVESTIGATIONS***CASES OVER 120 DAYS AS OF DECEMBER 11, 2023*** Continued
4. Review Updated Draft - Division 40 – Continuing Education (See Attached / Minutes Continued – Division 40 – Draft 2)

5. Review IV / Injection Therapy Draft Rule

- Rule is not retroactive – all prior education / training / reporting in effect. No further action required for current licensees.
- Primarily housekeeping changes.
- Revised rule clarifies definition of spinal injections and order of education per injection site.
- Revised rule requires elective NPLEX exam prior to engaging in injection therapy. Effective on date rule is adopted. Not retroactive requirement.

6. Director's Report:

- Exec Appts - February 2024 Senate Confirmations – *Governor's office will review Board recommendation for public member to advance to Senate for the February confirmation round.*
- Discussion / planning Board Retreat April 2024 – *MB will send a doodle poll to Board members to chose April date for retreat. Retreat location (if available) McMenamins Hotel Oregon – McMinnville*

Public Comment

*Any interested persons may attend the public session of any OBNM meeting. This meeting includes a working lunch for Board members.

ATTACHMENT / CONTINUED

Public Session 12/11/23 - Board Minutes: DIVISION 40 - CE

Board Discussion: The Board initiated discussion re: revising / creating draft rules to OAR Section 40 – Continuing Education at the bi-monthly October meeting during public session. Board reviewed drafts of the rules in Section 40 and made suggestions for edits / clarifications / additions. When incorporating the edits / writing the draft rules, ED had additional questions / needed clarification from the Board. ED added discussion re: proposed draft rules to the bi-monthly December Board meeting.

December Board Meeting / Public Session - Board reviewed updated draft, discussed and made additional edits / comments per rule:

DIVISION 40 - CONTINUING COMPETENCY – DRAFT 2 – 12.4.23 (review 12/11/23)

Board Discussion: Other regulatory agencies use “competency” should OBNM change from “education” to “competency.” Board discussion that it should be consistent with the statute and keep it as “education”

850-040-0210 Annual Continuing Education Hours for Licensure Renewal

- 1) Active License: Licensees must submit certificates of completion for a total of thirty-two (32) hours of continuing education (CE) as follows:
 - a) Annual Mandatory Continuing Education Requirements:
 - i) Ten (10) hours of pharmacology
 - ii) Two (2) hours of either professional ethics, boundaries, and communication; or suicide intervention and prevention
 - iii) One (1) hour of cultural competency education as required by 676.850 every even number calendar year
 - iv) One (1) credit hour of pain management every odd number calendar year
 - b) General Education: Remainder of required continuing education hours may be fulfilled through general education
- 2) Inactive License – Licensees must submit certificates of completion for a total of ten (10) hours of CE

850-040-0215 – Board Approved Program Providers; Program Providers Approved

1) Licensees may submit a certificate of completion from the following Board approved providers and accreditation services toward continuing education requirements:

- a) Accreditation Council for Continuing Medical Education (ACCME)
- b) American Council on Pharmaceutical Education (ACPE),
- c) ~~The Federation of Naturopathic Medicine Regulatory Authority (FNMRA)~~
- d) North American Naturopathic Continuing Education Accreditation Council (NANCEAC)
- e) Oregon Board of Pharmacy
- f) Oregon Health Authority
- g) Oregon Medical Board - Medical, Osteopathic approved education only
- h) Drug Enforcement Administration (DEA)

There are several accreditation agencies / entities established for the sole purpose of approving CE programs. Several of those accreditation agencies are listed in OAR as approved CE providers for Oregon licensees. These agencies / organizations have the resources and employ a rigorous approval process. Board discussion regarding adding additional approved providers by rule – accredited / approved providers will ensure higher quality education and more efficient use of Board resources. Adding more approved providers would also reduce the onus on licensees to submit individual applications for required CE. For the specific / specialized required CE, Board added approved providers / other regulatory agencies that have the expertise and set standards to approve programs in their subject area – e.g. Oregon Board of Pharmacy. And adding those regulatory agencies as approved providers is not only more efficient and cost effective for the Board, but it will also promote higher standards of education. Board included OHA and DEA as approved providers because they provide training – most / some free of charge in subject areas required for renewal and certain practice areas. Note: Federation is not an accreditation agency, but a regulatory body, and needs to be removed.

Discussion / education re: current process for new Board member who was not present at the October meeting. The Board currently does not charge an application or processing fee for approval of CE programs. Additionally, due to the high practice standards in Oregon, many States regulatory agencies in US recognize CE approval by OBNM as automatic approval for their state licensees.

For years, out of state / for profit / program providers have been using the Board's free approval process to get approval not just for Oregon licensees, but free national approval. Many use the Board to avoid the cost, and presumably for some, the rigor of going through the accreditation process. The Board does not have the resources or expertise to replicate their process or fairly charge similar rates for Board approval services that are not as thorough as the accreditors.

Discussion re: Board efforts to close this loophole two years ago by changing the CE approval rules - requiring an Oregon licensee to register and attend a program to get approval. Those changes did not yield the desired results of decreasing the volume of applications sent to the Board. The Board only required "an Oregon licensee" to attend the program to apply for / attain CE program approval. Therefore, out of state program providers were easily able to submit one Oregon licensee as a gateway to approval.

Board discussion closing off the approval option entirely and discontinuing all Board CE approval. Due to the lack of resources and over all systemic limitations on Board time and expertise in the CE approval field, only allow licensees to submit CE from accredited accreditation agencies / entities. Alternatively, discontinue approving out of state, for profit providers, web-based providers. Board discussion regarding allowing a limited number of in-state / Oregon based entities to apply for program approval.

- 2) Program Providers Eligible for Program Approval; and Approval Criteria:
 - a) The Board does not accept applications for continuing education program approval, except from the following:
 - i) National University of Naturopathic Medicine (NUNM)
 - ii) Oregon Association of Naturopathic Physicians (OANP)

Board discussion regarding large percentage of Oregon licensees get most of their annual CE from programs offered by OANP and NUNM. OANP and NUNM unquestionably serve Oregon licensees and consistently provide quality programming in the scope of practice in Oregon. Board discussion re: allowing OANP / NUNM to submit program approval applications.

Discussion regarding Board member suggestion of only approving NUNM / OANP. Discussion regarding no longer approving CE applications from active licensees who put on programs. Discussion re: requiring active licensees that provide CE programs go through accreditation service (e.g. NANCEAC) for approval.

Board member brought up concern if the Board did not approve programs in Oregon – the Board would end up with multiple individual applications for programs and we would not resolve the problem of the Board being inundated with applications – we would just shift the problem from provider applications to licensee applications. Board discussion regarding whether to discontinue approving individual licensee applications for course or activity approval.

- b) For program approval, NUNM and OANP must submit:
 - i) Completed program approval application provided by the Board
 - ii) Syllabus or course outline
 - iii) Sample course materials
 - iv) Curriculum vitae or resume for each presenter
 - v) Description of how the program will meet the criteria per relevant subject area set forth in 850-040-0220(3), and hours requested per subject area
 - vi) Sample certificate of completion with the course and licensee's name, and hours earned per program subject area.
 - vii) Additional information or materials at the request of the Board

- 3) Licensee may annually submit a certificate of completion for 32 hours of continuing education from a CNME accredited residency.

Board Discussion: Must be a CNME accredited residency to get CE credit.

850-040-0220 – Licensee continuing education approval criteria for completed programs, application process

1. Active Licensee who provides an in-person live continuing education program, held in the State of Oregon, may apply for approval on behalf of the Oregon licensed attendees.

Board Discussion: Whether to continue to approve CE programs, provided/hosted by active Oregon licensee in Oregon. Approving Oregon licensee programing maintains valuable practice of having Oregon licensee provide education to and with their colleagues, on Oregon required CE for specific areas of practice (e.g. Injection Therapy, Natural Childbirth). The majority of these licensee-based hands on programs also provide a significant amount of hours toward renewal, one to two day events ranging from 6-12 hours per application. The rule will be specific to approving active Oregon licensee programs, held live (not web based) in Oregon, attended by Oregon licensees. The approval process will not be opened to professional for profit or web-based program providers, that are currently inundating the system with upwards of 30 applications monthly for one-two credit courses per application.

*ED changed the draft rule under licensee submissions to “Active Licensee who provides an in-person live continuing education program, held in the State of Oregon, **for more than 20 active licensees may apply for approval on behalf of the Oregon licensed attendees.** Board discussion regarding whether attendance by 20 licensees was appropriate/necessary. Discussion whether hosts should be apply for pre-approval or approval after the course is completed. Discussion regarding whether to reduce the required number to 5-10 Oregon licensees because the hands on / workshop type programs are usually capped at approx. 10 and may have licensees attend from neighboring states. Discussion regarding if the licensee is hosting a live, in person and in Oregon program, whether they should be able to apply for pre approval without an Oregon licensee attendance requirement because in all likelihood it will serve Oregon licensees. Discussion to change “Active Licensee who provides an in-person live continuing education program, held in the State of Oregon, may apply for approval on behalf of the Oregon licensed attendees. ED comment / concern that allowing application prior to showing ND attendance will re-open the loophole these revised rules are trying to close.*

Discussion regarding a flat application fee for pre-approval of Oregon licensee programs \$50 or \$100. If you don't want to pay for pre-approval, then host can apply after the fact. Discussion of adding unnecessary complexity. Discussion regarding the cost benefit analysis of administrative costs of charging approval fees, and whether it is fair to Oregon licensees to charge for instate programs.

Discussion re: applications from active Oregon licensees hosting programs in Oregon, for Oregon licensees, directly related to the practice of Naturopathic Medicine in Oregon, should be encouraged. The whole point of changing the rules two years ago was to commit Board resources to support Oregon licensees in educating and collaborating with their colleagues, by minimizing approval of programs that drained Board resources for minimal benefit to the majority of Oregon licensees.

2. Active and Inactive Licensees are eligible to apply for approval of continuing education for completed courses not listed in 850-040-0215 – Board Approved Program Providers, Program Providers Eligible for Program Approval or approved in Section 1 of this rule.
 - a) Active Licensees may not apply for continuing education for completed courses after they attain the required 32 hours of approved continuing education
 - b) Inactive Licensees may not apply for continuing education for completed courses after they attain the required 10 hours of approved continuing education.

ED / Board Discussion restricting licensees' ability to apply for approval of individual activities/ attendance of structured programs, would unnecessarily burden licensees, and harshly reduce opportunities for licensees to seek out relevant / quality education. The limitation would be punishing and

stifling to licensees. Discussion / Ed comment re: recognizing the real value, especially in outlying practice areas or outside of the 1-5 corridor, for the licensees to put on programs specific to Oregon practice and Oregon CE requirements. There is also real value in ensuring that licensees can take courses that directly relate to their practice area or practice population – even if that course is out of state or through a webinar. Discussion that it is imperative that licensees – especially those in more rural areas – continue to have the opportunity to apply for credit for attending these programs. Prohibiting licensees from applying for credit punishes the licensees and overcorrects for the real problem the Board needs to resolve - decreasing / eliminating the overwhelming number of CE applications from for profit out of state providers.

However, to ensure the Board is not exposing itself to another loophole Licensees may only apply for credit up to the number of hours required for renewal. Board does not want to open the floodgates of active licensees submitting hundreds of hours of individual CE approval applications for webinars as a work-around for getting the program approved. To ensure Board can keep records up to date and members can timely and efficiently process of applications, as well as ward off excessive individual applications – licensees must submit application for approval within 30 days of completion. Applications received later than 30 days from the date of completion will not be considered.

3. Active and Inactive Licensees are eligible to apply for approval of continuing education for completed courses not listed in 850-040-0215 – Board Approved Program Providers, Program Providers Eligible for Program Approval or approved through Section 1 of this rule, that meet the following program criteria:
 - a) Pharmacology: Structured continuing pharmacy education program with course curriculum that includes at least one of the following topic areas:
 - i) Properties and actions of pharmaceutical drugs and dosage forms,
 - ii) Pharmaceuticals for therapy and prevention of disease states,
 - iii) Maintain and enhance competence applicable to prescribing off the formulary compendium,
 - iv) Pharmaceutical medication error prevention, prevention of events that may cause or lead to inappropriate pharmaceutical medication use or patient harm,
 - v) General topics related to pharmaceutical management
 - b) Professional ethics, boundaries, and communication: Programs for physicians and health care professionals focused on ethical practices, that offer concrete advice on how health care professionals should interact with patients and address critical decisions within their practice.
 - c) Suicide prevention trainings: Programs for physicians and health care professionals on suicide risk assessment, treatment, and management consistent with Applied Suicide Intervention Skills Training (ASIST)
 - d) Cultural competency education programs that meet the skill requirements established by the Oregon Health Authority under ORS 413.450 (Continuing education in cultural competency)
 - e) Pain management - a structured pain management program with course curriculum that includes at least one of the following topic areas:
 - i. Current perspectives on the neuroscience and complex biopsychosocial nature of pain

- ii. International Association for the Study of Pain (IASP) Guidelines
 - iii. Center for Disease Control (CDC) Opioid Prescribing Guidelines.
 - iv. Oregon Health Authority Opioid Prescribing Guidelines
- f) General Education:
- i) Presented by naturopathic physicians, other physicians, or other professionally acknowledged health care educators with expertise in the subject matter,
 - ii) Support, develop, and increase the knowledge, skills, and professionalism of naturopathic physicians.
 - iii) Subjects in the scope of practice of naturopathic medicine in the State of Oregon.

4. Licensees must submit the following for approval of completed continuing education programs not provided, accredited, or approved per 850-040-0215 and Section 1 of this rule:

- a. Completed program approval application provided by the Board
- b. Syllabus or course outline
- c. Sample course materials
- d. Curriculum vitae or resume for each presenter
- f. Description of how the program met the criteria, per relevant subject area, set forth in Section 1 of this rule.
- g. Certificate of completion identifying the licensees name and hours earned per program subject area
- h. Additional information or materials at the request of the Board

5. Licensees may annually apply for approval for up to ten (10) total hours of continuing education from a combination of the following activities related to naturopathic medicine:

- a. Business management and professional development that support increase the knowledge, skills, and professionalism of naturopathic physicians; approval limited to two (2) total hours.
 - i. Completed program approval application provided by the Board
 - ii. Syllabus or course outline
 - iii. Sample course materials
 - iv. Curriculum vitae or resume for each presenter, must be presented by naturopathic physicians, other physicians, or other professionally acknowledged health care educators with expertise in the subject matter,
 - v. Certificate of completion
 - vi. Additional information or materials at the request of the Board

b. Peer reviewed publication: approval limited to three (3) total hours

- i. Authorship:
 - A. A copy or sample of the published article, including the name and issue of the publication
 - B. Description of how licensees research, development and content of the publication met the criteria, per relevant subject area, set forth in Section 1 of this rule, and hours requested per subject area
 - C. Written record of the number of hours spent on research, development and writing the publication
 - D. Additional information or materials at the request of the Board

- ii. Review and Report:
 - A. A copy or sample of the published article, including the name and issue of the publication
 - B. A written summary of material reviewed; and how the content of the publication met the criteria, per relevant subject area, set forth in Section 1 of this rule, and hours requested per subject area.
 - C. Written record of the number of hours spent reviewing and summarizing material
 - D. Additional information or materials at the request of the Board

- c. Formal protocol writing for a health care facility or government health care agency, approval limited to three (3) total hours
 - i) A copy or sample of the writing
 - ii) Description of how the research, development and content of the writing met the criteria, per relevant subject area, set forth in Section 1 of this rule, and hours requested per subject area
 - iii) Signed letter of completion written by the licensee's supervisor with a written record of the number of hours spent on research, development, and writing
 - iv) Additional information or materials at the request of the Board

- d. Naturopathic Physicians Licensing Examinations (NPLEX) Committee for the development and writing of the NPLEX examinations: approval limited to three (3) total hours
 - i. Description of how development and writing met the criteria, per relevant subject area, set forth in Section 1 of this rule, and hours requested per subject area
 - ii. Signed letter of completion written by committee chair or designee with a written record of the number of hours spent on research, development, and writing
 - iii. Additional information or materials at the request of the Board

- e. Research related to the advancement of naturopathic medicine for a recognized educational or medical institution or organization; approval limited to six (6) total hours
 - i. Attestation of no financial conflicts or fiduciary relationships
 - ii. A written summary of the completed research; and a description of how the research met the criteria, per relevant subject area, set forth in Section 1 of this rule, and hours requested per subject area
 - iii. Signed letter of completion written by the licensee's supervisor with a written record of the number of hours spent on research
 - iv. Additional information or materials at the request of the Board

- f. Presentation of a structured continuing education program related to the practice and advancement of naturopathic medicine; approval limited to six (6) total hours:
 - i. Must be presented in the calendar year seeking approval, may not be repeat presentation from prior years.
 - ii. A copy or sample of the presentation, including agenda, schedule, and total length of the presentation
 - iii. Description of how research, development and content of the presentation met the criteria, per relevant subject area, set forth in Section 1 of this rule, and hours requested

per subject area

- iv. Written record of hours spent researching, developing the content of the presentation,
- v. Addition information or materials at the request of the Board

g. Teaching an accredited graduate level course related to the practice and advancement of naturopathic medicine; approval limited to six (6) total hours:

- i. Course must be taught in the calendar year seeking approval, may not be repeat course from prior years.
- ii. Name of the accredited institution, and faculty supervisor
- iii. Copy of the course syllabus, course schedule
- iv Description of how development and content of the course met the criteria, per relevant subject area, set forth in Section 1 of this rule, and hours requested per subject area
- v) Written record of hours spent researching, developing the content of the course,
- vi) Addition information or materials at the request of the Board

h. Preceptorship with an experienced licensed physician or doctorate level clinician, approval limited to six (6) total hours with the following:

- i. Name of medical facility, ~~residency director~~ or preceptor, and licensee's direct supervisor
- ii. Record of the dates and times licensee participated in the ~~residency~~ or preceptor program
- iii. Description of how the ~~residency~~ or preceptorship met the criteria, per relevant subject area in 850-040-0220(2), and hours completed per subject area
- iv. Additional information or materials at the request of the Board

General Board Discussion regarding issues with the database – multiple entries for same courses listing different hours and varying titles. Appears licensees submitting applications for their completed hours – and using iterations of the title of the course – so duplicate entries in the database make it difficult to find / report CE. Consider having the active licensee presenter applying for approval of the course so it will be standardized. ED assures the Board the pending update in early 2024 will resolve the majority of the database issues.