

Oregon Board of Naturopathic Medicine  
Public Board Meeting Minutes  
April 10, 2023

**Present:** Board Members: Board Chair Joana Freedman, PT, Megan Larivee, ND, Bill Walter, ND, Ryan Martin, ND & Zia Robles-Hernandez, ND; Joanna Tucker-Davis, AAG and Executive Director Mary-Beth Baptista. No members of the media present.

**Zoom:** Ryan Minarik, ND

**Excused Absence:** Jenny Anderson, RN

The Board went into Public Session at 12:10 pm

**Executive and Public Meeting Minutes:** February 13, 2023 – Approved

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

- 21-12-49 – Motion approved to DM
- 22-05-15 - Motion approved to issue NOPD:
  - Probation – 36 Months.
  - Cease performing unsupervised births until the following conditions are completed:
    - Attend American Association of ND Midwives Roundtable
    - Attend five (5) births with a certified ND midwife approved by the Board of Naturopathic Medicine
    - Completion of ten (10) supervised births in their entirety with a certified ND midwife approved by the Board of Naturopathic medicine.
    - Six hours of continuing education focused on obstetric doctor-patient boundaries
    - In addition to hours required for annual renewal per 850-040-0210, to be completed within the first six (6) months of probation.
    - Ten (10) quarterly chart reviews for births, chosen at random by the Board, reviewed by a certified midwife ND approved by the Board, at the Licensees expense.
  - Civil Penalty - \$5000
- 22-08-23 – Motion approved to DM
- 23-03-07 – Motion approved to issue NOPD:
  - Licensure suspension from the date of final order to date Licensee provides all subpoenaed records.
  - Licensure suspension for six months after the date Licensee provides all subpoenaed records.
  - Civil Penalty \$10,000.

**Anastrozole procurement for Oregon NDs** – Licensee question for the Board regarding formulary allowing oral and topical Anastrozole medication, but not injection in pellet form. Licensee asked if MD ordered pellet form of anastrozole – can Licensee inject under the ND supervision. No, Licensee cannot prescribe or inject anastrozole in pellet form.

**\*\* AT 1pm\*\* OHA ruling making on the Oregon Psilocybin Services Program / Training Requirements for Facilitator Facilitation**

- Guest Speakers:
  - Sam Chapman - Healing Advocacy Fund working on implementation of Measure 109
  - Dr. Matthew Hicks, ND
  - Dr. Hillary Andrews
  - Dr. Olivia Giguere
  - Dr. Erica Zelfand, ND (via Zoom)

The Oregon Psilocybin Services Program / Training Requirements for Facilitator Facilitation discussion regarding the facilitator licensure training and OHA rules in place and whether they are satisfactory for Board, or if the Board needs additional rules for accountability and public safety. Sam Chapman - Healing Advocacy Fund made a power point presentation (available upon request)

Question / discussion points with the Board:

- Facilitator responsibility: Facilitators must be licensed. Facilitators are not permitted to administer the drug. Issues / liability could arise with facilitators (i.e) NDs with a DEA license. Facilitator will not touch / sell / give client the drug to avoid federal liability. In no way is the facilitator ever playing a role as a “provider” of the drug. A facilitator who has a ND license, is not acting as a licensed ND while facilitating. Statutes and rules - including mandatory reporting still apply to NDs in their facilitator role.
- “Dual Licensure” – ND as a facilitator you “remove your ND hat.” You are not in a doctor / patient relationship. You are facilitating this experience, not “treating” a patient. Dr. Hillary Andrews added comment that the facilitator training is very robust on the line between “facilitating an experience” and “not treating a patient.”
- Facilitator Scope of Practice – a facilitator shall not engage in any conduct that would require any additional license – i.e., diagnosis. Facilitators are only able to provide psilocybin services not any treatment or service or privileges from any other license. Facilitators may not handle or administer any of the product.
- Intake Process: Client and facilitator meet for an intake, specific health forms from OHA required. Some medications or previous health conditions are automatic disqualifiers. If not disqualified – facilitator and client discuss whether administration is right for them, and they come together to decide appropriate dosage. Unlike prescribing, it’s a recommendation arrived by a mutual decision b/w facilitator and client. Client and facilitator go through required documents (consent forms / safety plan) Client must wait a minimum of 24 hours prior to administration of the drug.

- Administration Day: Client goes to licensed service center for administration. Client and facilitator will decide the final amount, facilitator creates a record regarding recommended amount of product for the service center to cross check. Facilitator will also be present when the administrator gives the dosage to client. If the client chooses not to take the entire dosage, the third-party administrator is responsible for holding any excess. Client allowed to ask for the remaining product as a bump up dose later in the session. Product never leaves the service center. Product is never in the hands of the facilitator.
- Location of Service/Service Center –services prohibited from being conducted at a health care facility. OHA must approve the service center to ensure it is not integrated into a health care facility. OHA will not approve a premise to be a service center if it is legally a health care facility. Administration must happen in a service center. Licensed representative of the service center administers the product. Service center will typically have an administration room, then after administration to client, client and facilitator move to facilitation room. Facilitation room has OHA strict requirements (bathroom, fencing etc.)
- Conflicts of Interest: Lingering Board member concern that there is enough of a hardline b/w the facilitation and handling of the product. Concern regarding the proximity b/w NDs and the administrator of psilocybin. Concern regarding NDs earning money as a licensed facilitator of a federally prohibited drug.

**Substance Use Disorder Training Required for DEA renewal – beginning June 27, 2023.**

Discussion regarding whether the Board wanted to require the SUD training required for DEA license renewal by a certain date, rather than follow the DEA schedule of training at renewal of DEA license b/c there may be an almost 3yr lapse of time for some licensees to renew their DEA license. Board did not want to create a rule or an emergency rule requiring training in certain amount of time. Board wanted ED to put a reminder in the newsletter that as with all areas of practice Licensees must be trained and educated in those areas of practice, they engage in. Encouraging people that want to engage in SUD under the new DEA rule, to get the training done sooner than later is sufficient.

- [ASAM Link](#)
- [SAMHSA](#)

**ND Letter to Board regarding statutory age of retirement.** This would require a statutory change; the Board can discuss again whether to submit a legislative concept during the next legislative session. [https://oregon.public.law/statutes/ors\\_685.100](https://oregon.public.law/statutes/ors_685.100)

**Director’s Report:**

- Legislative Concept / Legislation Update – Both of OBNM’s legislative concepts did not move forward. Informed by legislature that due to the significant amount of bills introduced this session, the legislative committees were overwhelmed and had to triage bills. ED will work on the discipline OAR to see what can be done through rule making. However, rulemaking cannot overcome the statutory

prohibition on performing abortion or permit the Board to propose alcohol / addiction evaluation and treatment in lieu of or through discipline.

- Permanent Administrative Rule Filed – 850-060-0223 Formulary Compendium Exclusions, deliberate whether to make permanent the temporary rule removing exclusion (b) Buprenorphine in any formulation for diagnosis for opioid use disorder¶  
Public Comment ends May 1, 2023 @ 1pm. Will bring back to June meeting for final approval.  
<https://www.oregon.gov/obnm/Documents/Rules/NoticeFilingTrackedChanges%20-%202023-03-28T122928.036.pdf>
- Board Retreat Scheduling - Discussion regarding rescheduling the September 2020 Board retreat. Due to Dr. Martin birth schedule will need to be near Newberg – likely McMinnville McMenamins. Friday – Sunday facilitated retreat – which includes a Board meeting, strategic planning session, bonding dinners etc. But can be flexible on weekend / weekday. Discussion regarding whether September with current Board, or wait until Spring / February for the new public member(s). Decision to wait until spring.
- Jurisprudence Results for February 2023 – Twelve applicants sat/passed the exam.
- OBNM Budget Report: The Board had no questions at this time.

### **Public Comment**

No public comment

Public meeting adjourned 3:00 pm