

Oregon Board of Naturopathic Medicine
Public Board Meeting
June 13, 2016

Present: Dwight Adkins, Board Chair; Patrick Chapman, ND; Lissa McNiel, ND; Keivan Jinnah, ND; Jennifer Gibbons, ND; Robert Skarperud, ND, Charles Wiggins, Public Member; and Anne Walsh, Executive Director.

Guest: Anthony Medina, DAS Budget analyst for OBNM

The Board went into Public Session at 12:00pm.

Executive Session Motions: In cases **N15-09-19A**, **N16-02-05A** and **N16-04-09A**, L. McNiel made a motion to allow applicants to apply for a license when qualified, J. Gibbons seconded the motion, all members agreed. In cases **N15-11-30**, **N15-12-32** and **N16-03-07**, L. McNiel made a motion to dismiss these matters, J. Gibbons seconded the motion, all members agreed. In cases **N16-01-01** and **N16-05-15**, L. McNiel made a motion to issue a proposed notice of disciplinary action, J. Gibbons seconded the motion, all members agreed.

Meeting Minutes: P. Chapman made a motion to approve the minutes from the February 8, 2016 Board meeting with minor corrections, C. Wiggins seconded and all members agreed.

General Business:

New Board Member - Dr. Robert Skarperud of Bend, the Board's newest member was introduced and welcomed by the board. He shared his interest with becoming a board member.

Board Chair appointment or re-appointment – J. Gibbons nominated Dwight Adkins to serve as Board Chair, K. Jinnah seconded the motion, and all members approved.

Formulary Council – P. Chapman reported on the May 18 Formulary Council meeting. He shared the FC recommendation to OBNM which would introduce a new rule defining the excluded drugs, and repeal 850-060-0225 which is no longer necessary after the FC reviewed each listed drug and determined they could all be found by classification in 850-060-0226. The FC has also recommended that the Board consider a rule to clarify that it is not within the scope of practice for NDs to dispense controlled substances. Additionally the FC approves an amendment to 850-060-0226(8)(c)(D) adding Phenobarbital; and in 850-0226(26)(e) to read Biologic Response Modifiers, **not to be used in systemic oncology.**

Strategic Planning Update – The Board reviewed the draft minutes from the strategic planning retreat with minor changes going to A. Walsh. Once updated, it will be posted to the web site.

Legislation 2017 Session - A. Walsh will be talking with the governor's policy advisor on the proposed concepts. Minor Surgery (ORS 685.010(3)) needs more clarification and delineation of procedures. The best way to do this is to amend the statute as is to include language that says "as further defined by rule"; work has already started on a rule with this intent. Defining "Physician" further in ORS 685 will help alleviate difficulty in other statutes that do not clearly designate NDs as physicians; OANP is working on defining language for the 2017 session as well. Additionally, a concept would remove the Peer Review Committee (ORS 685.205) from statute; it does not serve a need for the Board and is confusing at times.

Marijuana conversation with patients – After discussion with legal counsel, it has been determined that NDs can make recommendations to their patients on use or non use of marijuana medically or otherwise. NDs are not automatically designated primary care givers for those with a

medical marijuana card. Non-medical or recreational cannabis products that are sold over the counter can be sold by NDs. FDA and DEA have federal regulations that NDs should remain aware of.

Administrative Rules – K. Lozano has provided amendments to **850-050-0010, 850-050-0190**. After discussion and with minor changes, the amendments will be submitted for rule-making. Discussion was held on a new rule **850-060-0223** which was recommended by the FC, listing the excluded drugs and repealing **850-060-0225** as it is no longer relevant. An amendment is needed for **850-030-0035** to increase the renewal fee by \$2.00 annually to pay for the mandated Oregon Workforce Database survey that will become part of the renewal requirement, effective with the 2016 renewal period. **850-060-0226** will be amended to include Phenobarbital and put limiting language on Biologic Response Modifiers per the FC recommendation. C. Wiggins made a motion to accept the amendments to 850-060-0226, L. McNiell seconded, and all were in favor. L. McNiell moved to initiate rule making on 850-050-0010, 850-050-0190, 850-060-0223, 850-030-0035, R. Skarperud seconded and all members were in favor.

Directors Report: A. Walsh will be working on the budget for submission by August 1.

Since the strategic retreat she been in contact with PDMP and they are unable to give the board a list of all the doctors in the system. A. Walsh contacted the DEA and asked for a list of doctors in Oregon with their DEA registration, expiration date and license number. The DEA could not give a list with all requested information; however were able to provide list of NDs with current DEA registration. The DEA expiration dates are not consistent in expiration dates found in the OBNM database. This will be a focus with the next renewal to make sure all licensees provide current DEA registration numbers and expiration dates. The OBNM would like to send correspondence to licenses with a DEA registration providing additional information on “who is your patient” and tools for prescribing controlled substances in hopes of helping licensees better serve their patient and stay away from problem situations.

The Law Enforcement Database Service (LEDS) will be ready to utilize with the 2016 renewal.

The Oregon Workforce Database will be ready for the 2016 renewal cycle. The \$2.00 fee will be assessed to licensees.

Oregon Health Authority (OHA) Opioid Prescribing Task Force: C. Wiggins is representing OBNM and P. Chapman is representing OANP as members of the task force. C. Wiggins explained the CDC guidelines to the board. P. Chapman provided a graph/handout to the board for their review and discussion. The task force voted on adopting the CDC guidelines as a foundation for chronic pain in Oregon opiate prescribing. The task force further encourages more discussion at the state, regional and national levels regarding how the guidelines will be disseminated and communicated to patients and providers. There will be more discussion at the August board meeting and formal motion of approval of CDC guidelines. A. Walsh will put the CDC guidelines on the website and notify licensees that they are posted and the board will discuss adopting these guidelines.

Miscellaneous Inquiries: A query came in asking if ozone therapy protocols were within the scope of practice. After discussion the consensus was that ozone therapy is within the scope of practice, noting that education on the use of, administration and potential problems with this therapy are the NDs responsibility.

Public Comment: Anthony Medina introduced himself to the Board. There was no other public comment.

As there was no more business to discuss, the Board adjourned at 2:45pm.

Board members worked on CE after the close of the meeting.