

Oregon Board of Naturopathic Medicine
Public Board Meeting
August 12, 2013

Present: Greg Eckel, ND, Board Chair; Patrick Chapman, ND; Dwight Adkins, Public Member; Sheila Myers, ND; Lissa McNeil, ND; Charles Wiggins, Public Member; Sara Ohgushi, ND; Anne Walsh, Executive Director.

The Board went into Public Session at 11:35am.

Executive Session Motions: In the following cases P. Chapman moved to dismiss without action: **N-13-0101N** and **N-13-04-10**, motion was seconded by C. Wiggins; and members in attendance were in favor. In the following cases P. Chapman moved to continue the investigation: **N-12-07-16, N-12-12-33, N-13-02-02, N-13-02-04, N-13-02-05, N-13-03-07, N-13-04-09, N-13-04-12A, N-13-04-13** and **N-13-05-15**, motion was seconded by C. Wiggins; and members in attendance were in favor. In the following cases P. Chapman moved to initiate investigation: **N-13-06-16, N-13-07-17, N-13-08-18, N-13-08-19N, N-13-08-20A, N-13-08-21A, N-13-08-22A, N-13-08-23A, N-13-08-24A, N-13-08-25A** and **N-13-08-26A**, motion was seconded by C. Wiggins; and members in attendance were in favor.

Meeting Minutes: Minutes from the June 10, 2013 meeting were reviewed with any minor corrections to be given to Ms Walsh. A correction to the June 10 minutes will read Patrick Chapman on the formulary information instead of Greg Eckel along with Charles Wiggins on the pain management education. S. Meyers moved to accept, C. Wiggins seconded, and all members in attendance were in favor.

Administrative Rules: Rule making initiated: OAR 850-030-0195 needs a fee changed to reflect the delinquent fee for late renewals returned after December 15 from \$75 to \$100 which changed in January 2013. S. Myers moved to initiate OAR 850-030-0035; D. Adkins seconded, and members in attendance were in favor.

General Business:

Legislation 2013 In the board packet was an informational sheet regarding different legislation bills.

Impaired Practitioner program is a program that all health care providers have to participate in. Once we have a doctor that joins the impaired program we will have to start paying the fee. No longer will the board monitor a doctor that has gone into rehabilitation because the impaired practitioner program will take care of monitoring patients. Ms Walsh will check into tentative costs once using this service and report at the next meeting.

Executive Director Delegation of Authority Review There are duties that the board can delegate to the executive director that do not necessarily sync with the ED job description. The board can, by motion, delegate additional authorities to the executive director but the board will want to track that information through the minutes and make sure they get sync at some point. If something comes up and logistically it is difficult to accomplish and the chair is unreachable the board can delegate signature to the executive director and that can be done by a motion. After discussion, the signing of Final Order will be left with the Chair. This can be re-delegated to the Director in writing, at a later date.

The executive director can sign subpoenas as of January 2014, which has been added to the list of delegated authority. The Board approved the delegated authority of the Board Chair, with a recommendation that it be reviewed annually.

Retreat The location of the September 20-22, 2013 retreat has been decided – Oregon Gardens in Silverton.

Formulary Council Meeting/Appointments Not much to update until after the fall meeting. There was no May meeting held, but the September FC meeting will discuss CE opportunities again. The Board is open to suggested presenters.

Directors Report:

Agency Budget Update This six page thirteen month budget report is the most comprehensive review of the 2011-2013 budget. Revenue was higher than estimated, due to a fee increase. Revenues were closer to \$689,000. The PDMP charge goes to DHS; OBNM keeps 5% for administration of the fee. Personal services were lower because of a vacancy that took six months to fill. Although the Board held two contested cases, they were not as costly as cases in the past. This is reflected in Services and Supplies. Total expenditures was about \$100,000 less than budgeted. The discrepancy in funds is reflective of the 2009-2011 budget cycle in which the Board was faced with \$150,000 in contested cases.

Exam The formulary and jurisprudence exams were administered Friday, August 9. There were a total of 60 applicants with 3 applicants taking the test at an alternate site. NABNE had 82 applicants take the NPLEX exam. As usual, Ms Walsh is asking ND members to submit formulary questions for consideration.

FNMRA FNMRA was recreated two years ago and they have been working on trying to figure out how to get all the jurisdictions and licensing authorities to participate on an administrative level opposed to the professional level which is done by ONP & AANP. It has funding issues as well. FNMRA is starting to create an ND disciplinary data base. Starting out very simple and will only be accessible for licensing jurisdictions that are members of FNMRA. Ms Walsh has created a draft spreadsheet for the federation with all public information on discipline issued by OBNM. It's not going to give the disciplinary details at this time, but it is a start.

The federation will be creating a CE approval program which will put standards in place; this may be a revenue source for the federation. The Board will still approve the smaller CE programs.

NABNE Ms Walsh attended the NABNE meeting at the same time that she was at the FNMRA meeting. Ms Walsh asked again about offering a formulary exam nationally, since more states are getting prescriptive authority. NABNE doesn't feel like they have the expertise or funding to offer this service. If NABNE did a national formulary test the Board could possibly forgo the formulary exam and require only the jurisprudence exam in Oregon.

Miscellaneous:

Scope of Practice An Oregon Naturopathic/Homeopathic Doctor contacted the board wanting to know if there were any rules regarding teleconferencing/Skype. It's always been the board's policy for a first time face-to-face office visit with the patient then you can teleconference/Skype. In Division 10 rule 850-010-0005 definition 8 reads: "Patient" means any person who is examined, treated, or otherwise provided naturopathic medical services, whether or not the person has entered into a physician-patient relationship or has agreed to pay a fee for services. Discussion ensued regarding teleconference/Skype. The ND receives objective data with an office visit (blood pressure check, checking the heart, body language, touch, establish patient/doctor relationship, ect.). The board will discuss this issue more at the upcoming retreat. At this time, any licensee must have a first time face-to-face visit. If a licensee feels s/he is not practicing as a "ND" by only providing homeopathy, they should relinquish their license. The line is too hard to define, since homeopathy is within the scope of naturopathic practice.

NCNM CE request for consideration NCNM submitted a request for consideration of CE offerings. Currently practice building and management practice is not approved for CE credits under rule 850-040-0210(15); this still holds. 850-040-0210 clearly states which topics/programs will not be approved for CE; HIPPA, legal issues, application of law, tortes, naturopathic jurisprudence,

confidentiality, patients' rights, and negligence were also discussed. NCNM will need to go by the guidelines of 850-040-0210 for approved and non-approved CE. Ms. Walsh will respond to inquiry.

Doctors Dispensing Medication The Board does not have any regulations of medication pricing for substances sold from the office.

Colorado Licensure Issue The state of Colorado just started their licensure program. At the present time Colorado does not have their rules in place. The medical board is attempting to cause legal action against ND's in that state. A doctor licensed in Oregon contacted the Oregon Board of Naturopathic Medicine to see what the board could do to help with this. The Board suggested they get legal advice as the OBNM does not have any authority over Colorado jurisdiction.

Durable Medical Equipment Naturopathic doctors are qualified to order durable medical equipment per rule 850-060-0220.

Medical Director ND's can serve as a medical director for any clinic and can oversee anyone within the practice. Can an ND direct a medical assistant to perform laser? They can direct this if medical assistant is properly trained and allowed to do procedure within own scope of practice.

Public Comment: No public comment was received at this meeting.

As there was no more business to discuss, the Board adjourned at 2:15pm.

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