

**Oregon Board of Naturopathic Examiners**  
**Board Meeting**  
**April 3, 2006**

**PRESENT:** , Rick Marinelli, ND, Chair; Gregory Garcia, ND; KE Edmisten, ND; Lori Stargrove, ND; Elaine Gillaspie, ND; Anne Walsh, Executive Director. There are two open positions on the Board, although Glenn Taylor is expected to be appointed by the Governor later in April. The Governor would like to see the other public member position filled by someone out of the Portland metro area.

Dr. Marinelli opened the meeting at 8:35am. And took the Board into Executive Session at 8:35am pursuant to ORS 192.660(1)(f) relating to confidential matters of the Board.

Back into Public Session at 11:00am.

**Legislative Concepts:** **Concept 1** –will give the board the authority to contract a diversion program and the authority to require a competency evaluation for licensees under 685.225 for investigation of complaints. It will also allow the executive director or a designee to sign subpoenas. This is major program changes. **Concept 2** - 685.145(1)(a) would allow someone with medical or pharmaceutical sciences to fill the membership on the formulary council and would remove language from 685.010(7) and 685.145(3) which restrict diuretics and other products from the formulary which are important in basic health care. Dr Marinelli asked the board members for their input in making a decision on this language change. After discussion and no consensus on the language change, concept 2 will only address the formulary council membership. This will require only minor changes to the statute. **Concept 3** – allows a voluntary limitation on a license without disciplinary action by the board. In a situation where limitation might be temporary, it allows reconsideration by the Board. The other part of this concept allows someone licensed in another jurisdiction to come to Oregon for educational purposes. After discussion some minor changes were recommended. This will involve major changes to the statute. **Concept 4** - Examination requirements were discussed. It just cleans up who can administer these exams. It is a minor change; **Concept 5** – Housekeeping concept to include: cleans up language on educational requirements, submission timeline for examinations, references the director as such and gives authority to director for subpoena power.

**Executive Session Motions:** A motion to dismiss case N06-02-01 was made by Dr. Garcia, seconded by KE Edmisten, and approved by all board members. A preliminary investigation found no violation.

**Approval of Minutes:** The Board reviewed and approved the minutes for the February 6, 2006 meeting with grammatical corrections.

**Administrative Rules:** No rules up for discussion at this time.

**OB Advisory Report:** Dr. Gillaspie shared that all those invited to the OB advisory meeting February 8 attended and that it was a good meeting. NCNM is no longer certifying OB degrees, only certifying classroom education, not clinical practice. Dr. Gillaspie shared limited knowledge on the AANM (American Association of Naturopathic Midwives) which she believes meets as AANP convention. The Board is interested in hearing more on the AANM and ACNO involvement in certification. Dr Gillaspie will get

information on these associations and share it at the next meeting. There was a clear indication that standards of practice do need more defining due to lack of consensus by those in attendance at the meeting. The group determined that the possibility of an inactive status is not something they want to look into. An **inquiry** from a ND who allowed her natural childbirth certificate to expire is wondering what course could be taken to restore that certification. After discussion and looking at the laws and rules, it was decided that this situation is not addressed in statute or rule, but should be. Consideration of reinstating an expired natural childbirth certificate is something that should be on the agenda for the June meeting.

**Formulary:** The March 15 formulary meeting was canceled since no submissions were received for consideration. The next meeting is tentatively scheduled for September 27, 2006. (Note: deadline for submission will be August 28, 2006)

**Continuing Education Programs: Ethics Program Update:** Dr. Garcia updated the Board on the May 6, conference. Everything is ready. A save the date was sent out right after the February 6 meeting; registration applications were sent out March 21; and there have been about 30 returned registrations, with the early deadline April 20.

**Strategic Planning Update:**

**Expedite Examinations:** Dr. Edmisten spoke to the need for offering the exams two additional times a year (A letter of interest was submitted to the board for review). She stated that she has gone through the base of questions currently held for the formulary and there are about 350 useable questions ready to be used. Exams will be offered 4 times a year. With NPLEX in February and August and in May and November. The May and November exams will be open only to persons that have already passed NPLEX. Discussion was held on the need for the formulary exam at all, if NPLEX pharmacology exams covers enough of the substances listed on the OR compendium. Dr Edmisten will contact NABNE on this mater. Laurie Marzell asked to speak to the Board and shared her opposition to the state formulary exams being open book. Review for the next meeting consideration of NPLEX in place of our state formulary exam.

**Scope of Practice:** on hold

**Standard for non-direct processes:** Nothing new to add. Dr. Garcia is working on a letter to the profession.

**Director Report:**

**Strategic planning** meeting is set for June 3-5, with Public session of Board meeting on June 5. A facilitator has been selected. Retreat will be held at the Hotel Elliott in Astoria. A notice will go out to all licensees and interested parties.

**New public board member** (Glenn Taylor) should be appointed April 5.

**Reclassification** of staff position is moving forward. The June E-board is the next opportunity to get approval for this reclass.

**Budget Note report** was submitted to Salem. The E-board hearing is set for April 6. Ms. Walsh believes this report satisfies the request of the budget note. This note asked that seven agencies look at consolidation options. The report is available through the board office.

**Miscellaneous Business:**

**Rick Lee:** Ms Walsh was at the interview held with Mr. Lee asking him to sign an Assurance of Voluntary Compliance (AVC). Mr. Lee asked for an extra day to consider

before signing the AVC.

**Queries:** The Board is being asked to consider **online consulting** again. Dr Garcia is working on the non-direct processes. He will continue to work on a report to present to the profession before the Board can actually make a decision. This query asked for an opinion on on-line consulting without first establishing the doctor-patient relationship. After discussion, the Board felt they had already talked about these matters, but that there was no formal consensus on criteria for internet /consulting. There was no agreement on a community standard of care including what defines doctor-patient relationship. The Board's consensus from past discussion is that the initial doctor-patient relationship requires an in-person meeting. Dr. Garcia will work on composing material to share with the licensees so the board can move forward on making a formal determination. Dr. Stargrove asked that Brinlee Kramer, ND be acknowledged for her continued efforts in keeping the board on track with this matter. More steps must be taken to establish criteria for ND/pt relationship and then it must be communicated to licensees. Standard of care consensus must be clearly communicated to all licensees. Dr Garcia will take this matter further at the June retreat. Consulting conventionally has been between physicians. This query is speaking to a consult with a patient, which is diagnosing and treating. The Board has established that the doctor/patient relationship occurs with a face to face meeting. This matter will be on the agenda for the June strategic meeting.

**Pubic Comment:** Dr. Marzell spoke to the online consulting topic and shared that she has concerns about giving treatment advice that has an adverse effect to someone by online consulting.

As there was no further business to discuss the meeting was adjourned at 1:40pm.