



Washington State Department of Health
Board of Naturopathy
Meeting Minutes
February 10, 2017

Location: This meeting took place at the following locations utilizing teleconferencing.

Primary Meeting Site
Department of Health
Creekside Two at CenterPoint
Suite 310, Room 307
20425 72nd Avenue South
Kent, WA 98032

Secondary Meeting Site
Department of Health
16201 E Indiana Ave Room 112
Spokane Valley, WA 99216

BOARD MEMBERS

Amira Ahdut, ND, LAc
Chad Aschtgen, ND, Chair
Marsha Moody, Public Member
Dean Neary, ND
Elizabeth Prater, ND
Michael Whitney, ND, DC
Deborah Wright, Public Member, Vice Chair

STAFF PRESENT:

Susan Gragg, Program Manager
Blake Maresh, Executive Director (absent)
Brandon Williams, Program Associate
Bill Kellington, Senior Staff Attorney
John Macejunas, Assistant Attorney General
Ericka Brown, Credentialing Supervisor

OTHERS PRESENT:

Robert May, ND, WANP
Adam Geiger, ND, WANP

OPEN SESSION

1. Call to Order/Introductions

- 1.1. Chair Chad Aschtgen, ND, called the meeting of the Washington State Board of Naturopathy (board) to order at 8:45 a.m. on February 10, 2017.
- 1.2. All those in attendance introduced themselves.

2. Consent Agenda

The board made the following actions for these agenda items:

- 2.1. Approval of the February 10, 2017, meeting agenda – this was removed from the consent agenda for further discussion (see agenda item 3, Items Removed from the Consent Agenda).
- 2.2. Approval of the November 18, 2016 meeting minutes

MOTION: The Chair entertained a motion to approve the minutes as written. The motion was seconded and unanimously approved.

3. Discuss Items Removed from the Consent Agenda

Approval of the February 10, 2017, meeting agenda – the agenda was amended to add the following items:

- 5.1.3 Legally Protected Terms – Communication; a request asking about developing a bulletin or some other material that would help naturopathic physicians to know the limitations of the use of terms in their practice (i.e. advertising massage services).
- 5.5 Procedure 1-2-09 – Multi-Authority Complaint Response Process; the Health Systems Quality Assurance procedure that describes the process for complaints that involve multiple regulatory authorities

MOTION: The Chair entertained a motion to approve the agenda as amended. The motion was seconded and unanimously approved.

4. Old Business

4.1. Rule Projects Update

Ms. Gragg provided the board with the following updates on current board rule projects:

- 4.1.1. Non-surgical cosmetic procedures. The board directed the committee to develop a preliminary draft of rule language and bring it to the next board meeting for review.
- 4.1.2. Continuing education. The committee members will meet again in April to draft preliminary draft language and share at the next board meeting for review.
- 4.1.3. Temporary permits for military spouses and domestic partners. Ms. Gragg reported that the CR102 documents have been drafted and submitted for filing with the Office of the Code Reviser and that the rule adoption hearing has been set for June 23, 2017.
- 4.1.4. Rule review – Five (5) year cycles. The objective of this review is to improve the processes for licensing in a way that reduces the regulatory burden on individuals without compromising public health and safety. Each section of rule is to be reviewed every 5 years to determine whether or not amendments are warranted. Ms. Gragg made the following recommendations for rule sections scheduled for review in 2016 and 2017:

Section A: Repeal WAC 246-836-330, -340, -350, -360, -370, -380, and -390

Section B: Retain with no changes WAC 246-836-010, -130, -140, -160, -170, -180, -200, -211, -220, -410, and -600

Section C: Consider amending WAC 246-836-100 and -150

Section D: No action on WAC 246-836-210 (already open; see agenda item 4.1.1) and 246-836-990 (under the authority of the Secretary of the department, not the board)

Section E: Consider new rules regarding *Use of drugs or autotransfusion to enhance athletic ability* and *Medical marijuana authorization practice guidelines*

MOTION: The Chair entertained a motion to approve the recommendations in sections A, B, and D of the matrix. The motion was seconded and unanimously approved.

4.2. Exception application procedure and matrix

The board revisited the creation of a procedure for processing exception applications. This procedure includes a list of offenses designated as “below threshold” that would not need board involvement but could be automatically issued; for example, a misdemeanor disorderly

conduct conviction that was over 1 year old or a gross misdemeanor minor in possession that was over 2 years old.

MOTION: The Chair entertained a motion to approve the Exception Application Procedure and Matrix. The motion was seconded and unanimously approved.

5. New Business

5.1. Correspondence/Inquiries

5.1.1. Boucher Institute of Naturopathic Medicine

The board reviewed a request for renewal of school approval for Boucher Institute of Naturopathic Medicine.

MOTION: The Chair entertained a motion to approve renewal of Boucher Institute of Naturopathic Medicine. The motion was seconded and unanimously approved.

5.1.2. Fibrosis Mobilization Release under anesthesia

The board reviewed a request asking whether a naturopathic physician is able to perform a fibrosis mobilization release on a patient who is under anesthesia; the anesthesia would be administered by a certified anesthesiologist and the naturopathic physician would perform the mobilization. The board directed staff to work with Mr. Macejunas and others suggested by him to develop a response on this issue.

5.1.3. Legally Protected Terms – Communication

The board reviewed a request asking about developing a bulletin or some other material that would help naturopathic physicians to know the limitations of the use of terms in their practice (i.e. advertising massage services). The board directed staff to work with Mr. Macejunas to develop a response on this issue.

5.2. Legislative Review. The board reviewed bills of interest under consideration for the 2017 legislative session.

5.2.1. HB 1005 – Creating accountability in agency rulemaking authority

5.2.2. HB 1052 – Repealing automatic suspension of occupational license for non-payment of certain student loans

5.2.3. HB 1339 – Restrictions on prescriptions for opioid drugs.

5.2.4. SB 5178 – Requiring DOH to develop hearing loss education program for health professions.

5.2.5. SB 5369 – Expanded prescriptive authority for naturopathic physicians.

5.2.6. SB 5616 – Limiting the enforcement of administrative rules and policies

5.2.7. SB 5636 – Concerning telemedicine licensure reciprocity.

5.2.8. Weekly *Meet-Me Call* – the board heard a report by board representative, Dr. Prater, on these weekly calls. Dr. Prater shared that she was surprised at some of the opposition to the naturopathic physician profession that she encountered during some of the calls. Ms. Gragg shared that some senior management staff praised Dr. Prater on how well spoken and articulate she was during these discussions when such opposing viewpoints were communicated.

5.2.9. Senate Bill 5767 – Notice requirements of health care providers

5.3. Continuing education rule project

The board reviewed some preliminary items identified by the continuing education rule committee. These are items that should be included or addressed as the board develops draft rule language. The committee will meet again to hash out some of these issues and bring some recommendations to the next business meeting.

5.4. Proposed Revisions to Chapter 246-11 WAC, Model Procedural Rules for Adjudicative Proceedings

The board reviewed the proposed changes to WAC 246-11, which are intended to modernize the language and update the rules to reflect current practice. The board had no comments on this proposal and no board action was taken.

5.5. Procedure 1-2-09 – Multi-Authority Complaint Response Process

The board reviewed the Health Systems Quality Assurance procedure 1-2-09, which describes the process used for complaints that involve multiple regulatory authorities. The board had no comments on this procedure and no board action was taken.

6. Program Reports

6.1. Budget – Ms. Gragg gave a brief overview of the board’s budget. In addition, the department reviews budgets and when there is repeated over or under spending, a fee study is conducted to determine if fees should be adjusted. In the board’s case, there has been a large amount of over spending; primarily due to the large number of medical marijuana cases. These cases are resolving but it appears not quickly enough so that the impact to the program’s budget necessitates a fee increase. The increase is expected to be approximately 35%. Ms. Gragg reminded the board that authority to set fees is with the Secretary of the department

6.2. Reports

6.2.1. Credentialing Report – Ms. Gragg provided the credential count report (1,378 active licenses).

6.2.2. Active Case Report – Ms. Gragg shared the current active case report; there are currently 42 open complaint cases.

6.3. Assistant Attorney General (AAG) Report – John Macejunas, AAG Adviser

There was no AAG report.

7. Open Forum/Future Agenda Items

Robert May, ND, Executive Director for the Washington Association of Naturopathic Physicians (WANP), reported that there are some health care insurance providers who are changing their requirements regarding in-network providers, specifically that providers must be members of accountable care organizations. The problem is that these organizations do not contract with naturopathic physicians. Insurance providers will still allow patients to self-refer, however they will need to pay the specialist co-pay because naturopathic physicians will no longer be in-network providers.

8. Presentations

There were no Agreed Orders for presentation.

9. Adjournment

The meeting's open public session adjourned at 11:53 am.