



Washington State Department of Health
Board of Naturopathy
Meeting Minutes

November 19, 2021

On Friday, November 19, 2021, the Board of Naturopathy held a board meeting via Webinar. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

BOARD MEMBERS PRESENT

Amira Ahdut, ND, LAc, Vice Chair
Chad Aschtgen, ND, Chair
Joanne Hillary, ND
Marsha Moody, Public Member
Dean Neary, ND
Deborah Wright, Public Member (absent)

STAFF PRESENT:

Susan Gragg, Program Manager
Renee Fullerton, Executive Director
Davis Hylkema, Program Associate
Michelle Hartman, Administrative Assistant
Heather Cantrell, Policy Analyst
Bill Kellington, Supervising Staff Attorney
Sierra McWilliams, Assistant Attorney General

GUESTS:

Amy Brackenbury
Michelle Brown-Echerd
Jamie Doughty
Laura Farr
Carlos Alberto Garay
Adam Geiger
Courtenay Newton
Henrietta (Heidi) Ochsner
Aliana Rosa

Angela Ross, ND
Chrysalis Sabatinos
Juleah Tabak
Nina Walsh
Shelby Wiedmann
Kristi Zimmer
Tim Zimmer

OPEN SESSION

1. **Call to Order/Introductions**

The meeting was called to order at 8:33 A.M.

- 1.1 Introduction of board, staff, guests, and audience.
Dr. Chad Aschtgen, Chair, led roll call of board members and staff. He then offered an introductory statement explaining the procedure of the remote meeting.
- 1.2 Approval of November 19, 2021, agenda

MOTION: A motion was made to approve the November 19, 2021 as presented. The motion was seconded and passed.

1.3 Approval of August 13, 2021 business meeting minutes

MOTION: A motion was made to approve the August 13, 2021 meeting minutes as presented. The motion was seconded and passed.

2. **Rule Workshop—Colon Hydrotherapist Implementation**

The board solicited stakeholder input on draft rule language crafted to implement Senate Bill 5124 that created the colon hydrotherapy profession. Input during the workshop is as follows:

Colon Hydrotherapist proposed rules

- Definitions – stakeholder input agreed with the proposed language.
- Education and training
 - Much of the proposed language mirrors statutory language.
 - Stakeholder input included information that it is anticipated the majority of individuals seeking credentialing as colon hydrotherapists would require a pathway other than the national certifying organizations.
 - Stakeholders supported having an education and training pathway to credentialing, as well as recognition of national certification. As to the specifics of the practicum requirement, the stakeholders indicated that completing 30 procedures within a six-month time period is sufficient.
 - An acceptable time period to maintain documentation of training is 2 years.
 - Stakeholder input agreed that an acceptable time period from the completion of training to applying to the board to sit for the state examination is 90 days.
- Examination – stakeholder input agreed with the proposed language.
- Application – stakeholder input questioned whether CPR training should be required; however, the board determined it to be a reasonable requirement.
- Affiliation relationships – stakeholder input agreed with the proposed language.
- Activities allowed or prohibited – stakeholder input agreed with the proposed language
- Coverage and draping
 - Stakeholder and board discussions determined to rename this section to Minimum Standards of Practice for Colon Hydrotherapy and have it address both draping and hygiene requirements. This section now includes some provisions proposed in the naturopathic physician proposed rules regarding affiliation relationships.
- Record keeping and retention – stakeholder input agreed with the proposed language.
- Mandatory reporting – stakeholder input agreed with the proposed language.
- Sexual misconduct – stakeholder input agreed with the proposed language.

Naturopathic physician proposed rules

- Affiliation relationships
 - Stakeholder input requested no limit to the number of colon hydrotherapists a naturopathic physician may oversee; however, the board determined it to be prudent to limit such affiliation relationships to 20 colon hydrotherapists to a naturopathic physician. The board did include a provision for the naturopathic physician to request board consideration of a waiver of that limit.

- With regard to the limit to affiliation relationship referrals, stakeholder input indicated that such referrals should be limited to 24 treatments within a six-month time period.
- Stakeholder input was solicited for a time period for contraindications for surgical procedures; such input indicated a prudent time period is 6 weeks.
- Training affiliation relationships – stakeholder input agreed with the proposed language.

MOTION: A motion was made to approve the proposed draft language and move forward with filing a CR102 to schedule the formal adoption hearing. The motion was seconded and passed.

3. **Old Business**

3.1 Rule Project Updates

Ms. Gragg provided an update on rule projects currently in progress.

3.1.1 Colon Hydrotherapy implementation

Senate Bill 5124 passed during the 2021 legislative session created the colon hydrotherapy profession under the authority of the board. The 2nd rule workshop was held at this meeting (see agenda item 2.0 above).

3.1.2 WAC 246-836-080 – continuing education

The current CE rules became effective January 1, 2021. In February 2021, the board authorized rulemaking. The CR 101 documents were filed on October 20, 2021, and an initial rule workshop will be held December 10, 2021. Notifications will go out via GovDelivery.

3.1.3 Non-surgical cosmetic procedures

At the February 14, 2020, meeting, the board elected to withdraw the aged CR 101 and re-authorize a new CR 101 for rulemaking. The first rule workshop was held February 12, 2021. Board staff and the rule committee are gathering information and data to prepare for a second rules workshop.

3.2 Inquiry follow-up regarding a practitioner renewing a patient's prescription on behalf of a colleague.

In the packet presented, Ms. Gragg included the response that Mr. Eaton and Dr. Hillary prepared for the board's approval.

MOTION: A motion was made to approve and issue the response to the inquirer on behalf of the board. The motion was seconded and passed.

3.3 Inquiry follow-up regarding stem cell harvesting through liposuction and bone marrow aspiration

The board was provided an update on this inquiry. The board determined that as it is unclear whether liposuction and bone marrow aspiration are within scope of naturopathic practice, a request for an official Attorney General Opinion is warranted. The board directed staff to submit such a request.

- 3.4 Inquiry follow-up regarding retired active licensure status.
During discussion at the August 13, 2021, meeting regarding the request for a retired active status, the board requested staff to gather information on other states' licensure statuses Ms. Gragg presented the data to the board. Staff was directed to provide the gathered data to the individual while noting that RCW 18.130.250 requires retired active status licenses to continue to meet continuing education requirements.

4. **New Business**

4.1 COVID-19 Impact Follow-up

With the ongoing COVID pandemic, the board considered an additional extension to Policy Statement BON 20.01 Continuing Education Requirements During COVID-19 Response.

MOTION: A motion was made to extend the policy statement to June 30, 2022 or until the Governors proclamation has been lifted, whichever is later. The motion was seconded and passed.

4.2 Exception Application Procedure

The board reviewed proposed amendments to the exception application procedure.

MOTION: A motion was made to approve the recommended amendments as presented. The motion was seconded and passed.

4.3 Correspondence/Inquiries

The board reviewed and discussed correspondences received since the last meeting.

- 4.3.1 Ms. Gragg received an inquiry regarding naturopathic physicians using nitrous oxide in practice. After researching and discussing with the Pharmacy Quality Assurance Commission, Ms. Gragg drafted a response to include the law and rules and presented it to the board for review.

MOTION: A motion was made to accept the draft response regarding the use of nitrous oxide in practice. The motion was seconded and passed.

4.3.2 Request for extension of timeframe to sit for NPLEX Part II examination.

MOTION: A motion was made to accept the draft response letter for extension of timeframe to sit for NPLEX Part II examination. The motion was seconded and passed.

5. **Program Reports**

5.1 Budget report

Ms. Gragg shared the most recent budget status report. She reported that the Department of Health may be conducting a fee study in 2022 to determine action for a possible fee reduction, given the upward trend of the board's projected fund balance.

5.2 Statistics reports

Ms. Gragg shared the Current Credential Count report. As of October 29, 2021, the report shows 1614 active licensees. The Current Active Case report shows fifty-two total active cases: eleven, under investigation, two, in adjudication, eleven, pending service, fourteen, under RBM/legal review, and two marked for closure.

Ms. Gragg also shared a complaint allegation trend chart capturing data on types of complaints for the past five years.

5.3 Continuing education audit report

There was nothing new to report.

5.4 Recruitment report

Ms. Gragg reported that the recruitment packet for Marsha Moody's and Deborah Wright's public member positions is currently with the Governor's office.

5.5 Other reports

There were no other reports.

6. **Open Forum**

The purpose of the open forum is to provide the public an opportunity to address the board on issues of significance to or affecting the practice of Naturopathy and that are not related to topics for which a rules hearing was or will be scheduled.

There were no comments or questions.

7. **Future Business**

There was no future business to discuss.

8. **Settlement Presentations.**

There were no settlement presentations to review.

9. **Adjournment of public meeting**

The meeting adjourned by approved motion at 12:34 P.M.

10. **Discipline and Licensing**

The board attended to licensing and disciplinary matters.

Next Meeting:

Date: February 11, 2022
Time: 8:30 a.m.
Location: TBD