



Washington State Department of Health
Board of Naturopathy
Business Meeting Minutes

August 12, 2022

On Friday, August 12, 2022, 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
Brooke Fotheringham, Public Member
Dean Neary, ND
Krystal Richardson, ND

STAFF PRESENT:

Susan Gragg, Program Manager
Megan Maxey, Interim Executive Director
Davis Hylkema, Program Associate
Joan Simmons, Administrative Assistant
Lilia Lopez, Assistant Attorney General
Heather Cantrell, Policy Analyst
Bill Kellington, Supervising Staff Attorney

GUESTS:

Amy Melsness	Heidi Codino	Les Witherspoon
Angela Ross, ND	Heidi Ochsner	Leslie Emerick
Billie Dickinson	Jamie Doughty	Linda Dale
Brandon Testa	Jeb Shepard	Lorinda Sorensen
Brian Peters	Jeffrey Frankel MD	Marissa Boyd
Carey Morris	Jen Blasi	Melissa Johnson
Catherine Hendricks	Jen Joy	Michelle Brown-Echerd
Cesilie Cocks	Jennifer Lush Meyn	Pam Kohlmeier
Chaiya Sherman	Juleah Tabak	Sunita Iyer
Chelsea Hager	Karen Appel	Traci Pantuso
Deborah Gleisner	Katerina LaMarche	Travis Thurston, ND
Eileen Ravella	Katina Rue	Trina Seligman
Elinor Jordan	Kristin Jimison	Victoria Lofdahl
Erin Sweet	Laura Galati	

OPEN SESSION

1. Call to Order/Introductions

The meeting was called to order at 8:37 A.M.

1.1 Introduction of board and staff.

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 and instructions for the public comment period.

1.2 Engrossed Substitute House Bill 1329 (ESHB 1320), Relating to Public Meeting Accessibility and Participation.

The board considered the issue of in-person versus virtual meetings as it relates to the provisions in ESHB 1329.

Ms. Gragg shared ESHB 1329 made changes to the Open Public Meeting Act (OPMA) regarding provisions that need to be followed.

Ms. Lopez explained with the new provisions in the OPMA when there is a declaration of emergency in place, the board needs to determine whether or not they can hold an in-person meeting with reasonable safety.

MOTION: A motion was made to continue with today's board meeting virtually due to the declared state of emergency. The motion was seconded and passed.

MOTION: A motion was made to hold the November 2022 board meeting virtually due to the current declared state of emergency. The motion was seconded and passed.

1.3 Open Public Comment

Les Witherspoon commented if the board returns to in-person meetings, he asked to continue holding webinars for the public and appreciates the live captioning during the meeting. He asked the board to read the letter he wrote to the board regarding continuing education.

Leslie Emerick is the public policy director for the Washington Acupuncture and Eastern Medicine Association. She mentioned their board submitted a letter to the Board of Naturopathy yesterday regarding their concerns about the practice of dry needling. Dr. Aschtgen confirmed the board received their letter.

Sunita Iyer, ND and licensed midwife, commented the defensibility of continuing education credits have to support the safe and quality practice that one is licensed to provide.

Traci Pantuso shared she supports Drs. Iyer and Witherspoon comments and mentioned she sent a letter to the board with her concerns. She informed the board NANCEAC (North American Naturopathic Continuing Education Accreditation Council) only accredits groups and does not approve content. A separate group reviews and approves the content and believes that group does not have the best interest of public safety in mind. She asked if the board would consider doing an audit of that group.

Catherine Hendricks is with the American Neurological Association and asked if it was appropriate to comment on reproductive healthcare in naturopathic practice at

this time. It was determined that discussion would occur during the 3.6.3 agenda item discussion.

Dr. Tressa Pinkleton from Seattle shared her concerns for both patient and professional safety with regards to the updated CE requirements. The concern is the need to take extra training that does not reflect her primary practice at all.

1.4 Approval of August 12, 2022 agenda

MOTION: A motion was made to approve the August 12, 2022, agenda as amended. The motion was seconded and passed.

1.5 Approval of May 13, 2022 business meeting minutes

MOTION: A motion was made to approve the May 13, 2022 minutes as presented. The motion was seconded and passed.

2. **Old Business—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair**

2.1 Rule Project Updates

The board was updated on rule projects currently in progress.

2.1.1 Colon hydrotherapist implementation

Ms. Gragg shared with the board there are 4 individuals that have been certified as colon hydrotherapists and 5 that have applications pending since the rules were adopted and became effective July 1, 2022. She is working with DOH contracts office to contract with the national board to provide the Washington specific examination for those individuals.

2.1.2 Non-surgical cosmetic procedures

Ms. Gragg updated the board that staff and the committee are gathering information and will provide the updates in next meeting as well as hold a rule workshop in the future.

Public comment/question received in Q&A:

Pam Kohlmeier: Can you clarify what type of data you are gathering and who you are seeking input from regarding non-surgical cosmetic procedures? Dr. Ahdut and Ms. Gragg answered they were gathering information to address the concerns expressed by those in opposition as well as information to address the comments in support of the rulemaking.

Anonymous attendee: Why is the issue of non-surgical cosmetic procedure taking this long? Look at Portland/OR. NDs are going over the river to augment their incomes for this. What is holding this up? Ms. Gragg answered that the previous rulemaking had received considerable opposition at the rule adoption hearing, so the board elected at that time to restart the rulemaking to sufficiently address those concerns.

Anonymous attendee: Regarding cosmetic procedures: will we be able to know what the concerns are so that we can directly comment on that? Ms. Gragg will compile the data in a report and post it to the board's website.

2.1.3 WAC 246-836-080 – continuing education

Ms. Gragg informed the board coordinating committee members to analyze the information is in progress and additional information continues to be received. She will work on compiling the data for the committee's review to present to the board at the next meeting.

Ms. Fotheringham and Dr. Richardson volunteered to be part of the review committee.

2.2 Dry Needling

The board reviewed revisions to the draft guideline clarifying the use of dry needling in naturopathic practice. The item was tabled to the next meeting to allow time for Ms. Gragg to compare the prevision version and draft revisions to produce a track changes document to present to the board.

Leslie Emerick agreed she would like to see the track changes to ensure their comments are specific to the changes that were made and align with their concerns.

3. **New Business—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair**

3.1 COVID-19 Impact Follow-up

Ms. Gragg explained the impacts of the rescission of Proclamation 20-32 that will go into effect October 27, 2022. Continuing education (CE) was waived for the specific professions identified in the proclamation while other professions not specifically named were still required to complete their CE; however, the proclamation did waive the attestation requirement rather than the CE requirement itself. The Department of Health and the board will continue the attestation waiver following the proclamation rescission until the first full 2-year CE cycle following the rescission date.

3.2 2023 Meeting Dates

The board set their business meeting dates for calendar year 2023 as follows:

- February 10
- May 12
- August 11
- November 17

MOTION: A motion was made to approve the 2023 business meeting dates as presented. The motion was seconded and passed.

3.3 By-Law Updates

The board reviewed recommended updates to their By-Laws. Ms. Gragg shared the changes proposed and received feedback from the board with potentially added amendments.

Public attendee Les Witherspoon wrote in the Q&A, “Are there any provisions for remote attendance for the public if a meeting is held in a physical location?” and “Will these bylaws be published where the public can access them?” Both were addressed confirming remote access for the public will be made available and the by-laws will be added to the board’s website.

MOTION: A motion was made to approve the By-Law updates as initially presented. The motion was seconded and passed.

3.4 Exception Application Matrix Procedure Updates

The board reviewed updates to the Exception Application Matrix Procedure. Ms. Gragg provided an overview of how the matrix is used to help expedite applications to issue credentials. She shared the one change is to include colon hydrotherapist into the matrix.

MOTION: A motion was made to approve the Exception Application Matrix Procedure as presented. The motion was seconded and passed.

3.5 Election of Officers

The board elected officers to the following positions: Chair and Vice Chair.

Dr. Ahdut led the elections and removed herself as a nominee. Dr. Neary nominated Dr. Krystal Richardson to vice-chair.

MOTION: A motion was made to elect Dr. Krystal Richardson to the position of Vice Chair. The motion was seconded and passed.

MOTION: A motion was made to reelect Dr. Chad Aschtgen to the position of Chair. The motion was seconded and passed.

3.6 Correspondence/Inquiries

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

3.6.1 Request for approval of IV Therapy training from Canadian College of Naturopathic Medicine, Boucher Campus to meet the requirements of WAC 246-836-220

MOTION: A motion was made to approve the IV Therapy training from Canadian College of Naturopathic Medicine, Boucher Campus. The motion was seconded and passed.

3.6.2 Request for list/label from Skagit County Public Health

MOTION: A motion was made to approve the list/label request from Skagit County Public Health. The motion was seconded and passed.

3.6.3 Reproductive health care in naturopathic practice.

The board reviewed an inquiry from the Washington Association of Naturopathic Physicians (WANP) regarding the issue of naturopathic physicians performing abortion procedures and vasectomy procedures. In addition, the inquiry included a request for the board to petition the FDA to include naturopathic physicians as authorized prescribers of mifepristone (brand name Mifeprex). The board determined additional information was needed on the issue of abortion and vasectomy procedures, such as whether training is included in naturopathic medical school. Drs. Richardson and Hillary volunteered to work with Mr. Eaton, Assistant Attorney General Adviser, and provide a report back to the board at the next meeting. Dr. Neary was requested to assist.

Public questions/comments:

Katina Rue, Osteopathic Physician, WSMA president elect. They are in support of reproductive rights. She shared there is no reasonable way to interpret the definition of a minor office procedure and noted that the WANP have repeatedly asked the legislature to consider expanding its scope of practice in recent years.

Angela Ross, ND, Executive Director for WANP, shared they submitted a request for an interpretation of the scope from both the board and the Office of the Attorney General. She highlighted part number 2 regarding the petition for the FDA to include licensed NDs as authorized prescribers of mifepristone and asked that the board be willing to submit a petition.

Linda Dale, PA-C with Washington Academy of Physicians Assistants, commented that the decision of aspiration and D&E abortions should be taken to the legislature by the naturopathic association.

Jeffrey Frankel, MD, is a urologist representing the Washington State Urology Society (WSUS). WSUS submitted a letter associated with the American Neurological Association in opposition to the board, confirming the letter submitted by the association. He spoke on the issue of vasectomy procedures, which appears to not fit as a minor procedure.

Carey Morris is the contract lobbyist with the WANP and works with Dr. Ross. She stated they are working with reproductive health groups in the LGBTQ community who are looking at legislation for the coming year for sanctuary status for practitioners and clarification of the scope of work around reproductive health. With the 250% increase expected for these services, they want to ensure NDs are doing their part to protect women.

Juleah Tabak, ND, added context to why NDs would like to have access to prescribing mifepristone which is used to treat pregnant patients over 150 pounds to terminate pregnancy.

Catherine Hendricks with the American Neurological Association asked about “Luke” who was mentioned by first name only during board discussion. Ms. Lopez provided his last name and explained his role.

Q&A:

Heidi Codino: Can we please discuss Vasectomies as well?

Pam Kohlmeier: Are vasectomies and D&Cs routinely part of naturopathic training? Dr. Aschtgen responded that the topic of education and training will be included in the report to be shared at the November meeting.

MOTION: A motion was made to approve drafting and submitting a petition, or letter of support as appropriate, to the FDA to include licensed NDs as authorized prescribers of mifepristone pending internal DOH and legal review. The motion was seconded and passed.

4. **Program Reports—DISCUSSION—Megan Maxey, Interim Executive Director; Susan Gragg, Program Manager; Lilia Lopez, AAG Adviser**

Ms. Maxey, Ms. Gragg, and Ms. Lopez provided updates regarding department issues and issues specific to the naturopathic physician profession, such as:

4.1 Budget report

Ms. Gragg shared the budget with the board as of June 30, 2022. A fee study is expected to be done at the end of the year to look at a possible fee reduction. Overall, the board’s budget looks very good.

4.2 Statistics reports

Ms. Gragg shared as of July 25, 2022, there are 1611 total active licenses, 1 temporary practice permit, and 4 new active colon hydrotherapists certifications. She also shared there are 48 active cases as of July 29, 2022. 5 are marked for closure, 13 are in investigation, 18 are in RBM/legal review, and 12 are in pending service.

4.3 Continuing education audit report

None.

4.4 Recruitment report

Ms. Gragg informed the board of current recruitment efforts. The packet for Dr. Neary’s position has been submitted and is in the office of the secretary then will be forwarded to the governor’s office. Dr. Richardson’s packet has been submitted for reappointment and will be forwarded to the office of the secretary. She also announced an open public member position needs to be filled and encouraged others to apply.

Ms. Maxey informed the board interviews are being held to fill the executive director position.

5. **Open Forum—DISCUSSION—Chad Aschtgen, ND, Chair**

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 naturopathic medicine and that are not related to topics for which a rules hearing was or will be scheduled.

Ms. Fotheringham asked about vaccination schedule information. Ms. Gragg stated she would research this and share the information.

6. **Future Business—Chad Aschtgen, ND, Chair**

The board discussed agenda items identified or suggested for future meetings.

6.1 Follow-up regarding stem cell harvesting through liposuction and bone marrow aspiration. At the November 20, 2021, meeting, the board requested a formal Attorney General opinion regarding this topic. As the process for a formal opinion is rather lengthy, the board intends to keep this item under “future items” until such time as an update is available.

6.2 Dry Needling

6.3 Reproductive health care in naturopathic practice.

7. **Settlement Presentations—Chad Aschtgen, ND, Chair**

None.

8. **Adjournment of public meeting**

The public portion of the meeting adjourned by approved motion at 11:57 A.M.

9. **Discipline and Licensing**

The board attended to licensing and disciplinary matters.