



Washington State Department of Health
Board of Naturopathy
Business and Rules Hearing Meeting Minutes

August 11, 2023
8:30 a.m.

On Friday, August 11, 2023, the Board of Naturopathy held a Rules Hearing and Business meeting via Zoom Webinar in accordance with Chapter 42.30 RCW, Open Public Meetings Act. Individuals desirous of attending and providing virtual verbal, in-person and or written testimony or comments were notified via GovDelivery.

BOARD MEMBERS PRESENT

Joanne Hillary, ND, Vice Chair
Chad Aschtgen, ND
Amira Ahdut, ND, LAc
Elias Kass, ND
Brooke Fotheringham, Public Member
Vacant, Public Member

STAFF PRESENT:

Tommy Simpson III, Program Manager
U. James Chaney, Executive Director
Davis Hylkema, Program Associate
Luke Eaton, Assistant Attorney General
Shelley Buchanan, Supervising Staff Attorney
Marlon Basco, Policy Analyst
Kris Reichl, HSQA Legislative and Policy Director
Stephanie Vaughn, HSQA Rules Manager
Heather Cantrell, Policy Analyst

BOARD MEMBERS Excused or Absent

Krystal Richardson, ND, Chair (*Excused*)

GUESTS:

Christina Aschbacher	Erin Kelly	Billy Dickens, WSMA
Wade Ayers	Kelsey Klausmeyer	Justin Steurich
Jen Blasi	Victoria Lofdahl	Erin Sweet
Michelle Brown-Echerd	Sasha Mastroianni	Steve Uhrich
Lisa Chavez	Alexis McKeown	Marco Vespignani
Kristina Conner	Wendy Pickett	Jenny Zorin
Susan Gragg	Teresa Richter	Lana Crawford
Katrina Iiams-Hauser	Angela Ross, ED WANP	Zehra Siddiqui
Sunita Iyer	Chrysalis Sabatinos	Traci Pantuso
Wahji Kasten	Emily Sabbagh	Priya Walia

OPEN SESSION

1. **Call to Order/Introductions – Joanne Hillary, ND, Vice Chair**

The meeting was called to order at 8:36 a.m. after some minor technical difficulties.

1.1 **Introduction of board, staff, and attendees.**

Dr. Joanne Hillary, Vice Chair, led roll call of board members, staff, and attendees. She then offered an introductory statement explaining the procedure of the remote meeting and instructions for the public comment period.

1.2 **Approval of agenda**

MOTION: A motion was made to approve the August 11, 2023, agenda with a caveat to retain 5.1 (health equity) on the agenda despite program update that members do not need to vote to hold a special hearing meeting prior November's regular business meeting. The motion was seconded and passed.

1.3 **MOTION:** A motion was made to approve the May 12, 2023, business meeting minutes with an approved caveat by Dr. Aschtgen that agenda item 3.2 (1), legislation updates by Bill Kellington, Supervising Staff Attorney or Program, be carried forward as future business. The motion was seconded and passed.

1.4 **MOTION:** A motion was made to approve the June 23, 2023, special meeting minutes. The motion was seconded and passed.

2. **Rules Hearing – WAC 246-836-210 Authority to use, prescribe, dispense and order and WAC 246-836-212 (new) Botulinum toxin nonsurgical cosmetic procedures –**

The rules hearing commenced at 9:00 a.m. Joanne Hillary, ND, Vice Chair, invited Amira Ahdut, ND, LAc, to provide a comprehensive summary of the proposed legislation.

The Naturopathic Medical Board (board) filed a CR-102 on July 5, 2023, under WSR #23-14-122 proposing changes to WAC 246-836-210 – Authority to use, prescribe, dispense and order, and the creation of a new section WAC 246- 836-212 – Botulinum toxin nonsurgical cosmetic procedures.

2.1 **Public Comment**

Dr. Hillary, Vice Chair, invited members of the public desiring of doing so to introduce themselves and provide verbal testimony and comments, or provide written testimony to naturopathy@doh.wa.gov regarding today's rules hearing.

There was robust testimony and comments in favor of, and in opposition to the adoption of proposed rule language. After everyone wanting to be heard had testified and provided comments, the Vice Chair officially closed the testimony portion at 9:25 A.M.

2.2 **Board Discussion/Action**

Prior to opening the floor for the board to vote and render its official decision, the Vice Chair provided information regarding next steps in the process which included the

board's handling all received testimony and comments since the proposed rules were filed and how they will be summarized and become a part of the official rulemaking file. The Vice Chair additionally shared that if the board does decide to adopt the rules, a notice of adoption will be filed with the Code Reviser Office to which adopted rule language will become effective 31 days following and a final summary of today's meeting and all of the comments received during the open public comment period will be shared with those who are not only registered with the board's distribution list, but also those individuals who willingly shared their contact information.

Dr. Hillary and Mr. Hylkema reiterated the correct email address (naturopathy@doh.wa.gov) to send written correspondence relative to today's hearing several times throughout the commenting period.

MOTION: A motion was made by Dr. Ahdut to adopt the rule language as proposed. The motion was seconded and passed.

3. Open Public Comment — Joanne Hillary, ND, Vice Chair

Members of the public were invited to introduce themselves and share comments not related to an agenda item or to the rules hearing.

- A comment was shared concerning continuing education (CE), voicing dissatisfaction with the considerable length of time it took the board to implement changes originally presented in calendar year 2021 and the impacts on credentialed providers.

4. Open Public Meeting Act (OPMA) Presentation by Morgan Damerow, AAG

Morgan Damerow, AAG, provided a refresher training on the Open Public Meetings Act to the board.

5. Old Business—DISCUSSION/ACTION—Joanne Hillary, ND, Vice Chair

1.5 Rules Update on WAC 246-836-080 – Health Equity Continuing Education

Tommy Simpson (program), and Heather Cantrell (policy analyst), briefed members that while it was originally communicated the board would need to hold a vote today to conduct a special rule hearing between 10/10 – 10/22 to adopt HE rules, the board could instead defer this action to be included in the November 17, 2023, regular business meeting. It was clarified that the board, at its June 23, 2023, special meeting had reviewed and approved proposed rule language to be presented for approval at the rules hearing.

5.2 Scope of Practice Policy Update --

At its May meeting the board authorized Dr Ahdut, Dr. Richardson, and Mr. Eaton, AAG, to draft a unified approach to respond to scope of practice questions that the board routinely receives. Mr. Eaton presented two response options. Option 1 would address questions where an answer is clearly addressed by RCW 18.36A. Option 2 would be a uniform response basically stating that the board cannot weigh in as it is not authorized to do so by law.

Mr. Eaton added that it is okay if questions come in that require legal analysis, but the request for such analysis must come from the board.

MOTION: A motion was made to adopt option 2 for when scope of practice questions come in, and to also allow staff the latitude to bring questions to the board as needed. The motion was seconded and unanimously approved.

6. **New Business—DISCUSSION/ACTION—Joanne Hillary, ND, Vice Chair**

6.1 **Signature Delegation—DISCUSSION/ACTION**

The board reviewed and renewed its Signature Delegation and Delegation of Decision-Making documents for the next biennium.

6.2 **Proposed CY 2024 Meeting Dates, Times, and Locations (*Hybrid*)**

MOTION: A motion was made to set the following 2024 dates and locations for the board's regular business meetings:

Feb 9, Olympia area; May 17, Bastyr University; Aug 9, Olympia area; and Nov 8, Olympia area. The motion was seconded and approved.

6.3 **Correspondence/Inquiries since last meeting -- Joanne Hillary, ND, Vice Chair**

Andrew Iverson, ND, who attended the meeting in-person asked the board to consider holding a vote and subsequent motion to create a "Retired Active Status License" for interested NDs and consider reduced fees and minimum (lesser) CE requirements.

MOTION: After a robust discussion, Dr. Hillary entertained a motion to retain the board's decision as it currently stands (determined 11/19/2021) on this matter. It was so moved declining any further action. The motion was seconded and unanimously approved.

7. **Program Reports—DISCUSSION—James Chaney, Executive Director and Tommy Simpson, Program Manager**

7.1 **Budget report**

Mr. Simpson provided a brief overview of the operating fund balance and expected incoming revenue versus expected and/or known expenditures. He also mentioned the possibility of the department looking at a potential fee reduction for licenses in late Fall 2024 or Spring 2025.

7.2 **Statistics report**

Mr. Simpson presented the statistics report noting that there are currently 1,619 active naturopathic physician licensees and 20 active certified colon hydrotherapists.

7.3 **Recruitment report**

Mr. Chaney reported that he is working with the governor's office to fill the currently vacant public member position.

7.4 November 2023 meeting update

At its May 2023 meeting the board mentioned interest in holding the November meeting at Bastyr University. Mr. Hylkema reported that space was available for that to be possible. The board discussed the matter further.

MOTION: The motion was made to hold the November 2023 hybrid meeting at an Olympia area location (DOH facility preferred). The motion was seconded and passed with one abstention.

7.5 Staff changes

Mr. Chaney reported that although himself, Tommy Simpson, and the new program manager, Rachel Phipps, who will be starting on 8/16, are all new, the board can expect the same high-level of support as in previous years.

7.6 Other

7.6.1 Mr. Chaney suggested the board consider holding a retreat meeting in the future. It was noted that a retreat would probably need to adhere to the OPMA and be open to the public. Will need to confer with the AAG to be sure once the specific activities of a retreat were determined.

7.6.2 Dr. Aschtgen shared how in the past various board members would present in students' final year jurisprudence class at Bastyr University to give students an introduction to the rules and regulations and the work of the board, what it is and what it is not. This has not been possible during the pandemic, but is something the board might want to prioritize as it moves forward.

8. Future Business

Future Business items mentioned included:

- Rules Hearing of CE/HE rules at the November meeting
- Follow up on 2023 legislative session bills status report from Bill Kellington (noted in May 12, 2023 meeting minutes)

9. Settlement Presentations

There were no settlement presentations.

10. Adjournment of the public meeting

The meeting adjourned by approved motion at 12:51 P.M.

MOTION: A motion was made to adjourn the public meeting. The motion was seconded and passed.