OPEN SESSION

1. Call to Order/Introductions
Chair Chad Aschtgen, ND, called the meeting of the Washington State Board of Naturopathy to order at 8:36 a.m. on February 9, 2018. The board made the following actions for these agenda items:

1.1. Approval of the February 9, 2018, meeting agenda

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

1.2. Introduction of board, staff, guests, and audience.
The board, staff, and guests in attendance each gave a brief introduction.

1.3. Approval of the November 11, 2017, business meeting minutes.

MOTION: The Chair entertained a motion to approve the minutes as written. The motion was seconded and unanimously approved.
1.4. Approval of the January 12, 2018, special meeting minutes.

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

2. Old Business

2.1. Rules Project Updates

2.1.1. Non-surgical cosmetic procedures
Ms. Gragg reported that the package for the Code Reviser was submitted on February 8, 2018. Depending on how quickly it goes through senior management review, it may or may not be ready for the May meeting.

2.1.2. Continuing education
Ms. Gragg reported this rule is moving to the approval phase of the CR102 documents and should be ready for adoption at the May hearing.

2.1.3. Rule review repeals
Ms. Gragg reported that the review repeal has been approved by John Weisman, Secretary of the Department of Health, and should be filed with the Code Reviser next week and ready for the May hearing.

2.1.4. Rule review amendments
The review amendment is waiting Mr. Weisman’s approval and is anticipated to be ready for the May hearing.

2.1.5. Professional practice standards when authorizing medical marijuana
Ms. Gragg reminded the board that it had elected to withdraw that rule package. It has been withdrawn as of January 23, 2018.

3. New Business—DISCUSSION/ACTION

3.1. Medical Marijuana Program

3.1.1 The board heard a report on the Medical Use of Marijuana continuing education course from Shelly Rowden, Operational Manager for the Medical Marijuana Program. Ms. Rowden indicated the launch date for the course is expected to be spring of 2018 once the course is approved by the commissions and boards. It is not a required course but may be mandated by disciplinary action. The cost of the course has not been determined. Ms. Rowden asked the board to consider adopting the course so that it may move toward launch.

MOTION: The motion was made to accept the Medical Use of Marijuana continuing education course as presented. The motion was seconded and unanimously approved.

3.1.2. Ms. Rowden shared minor updates made to the Medical Marijuana Authorization Guidelines. The board considered adopting the same updates to their own guidelines.
The board recommended one change, to remove the first sentence in Section 3: Ongoing treatment which reads, “Authorization can only be renewed upon completion of an in-person physical examination.”

3.2. 2018 Legislative Review

The board heard a report on legislation of interest or impact on the naturopathic profession. Ms. Gragg provided information on 15 House Bills along with related and additional Senate Bills that are currently before the Legislature.

3.3. Healthcare Enforcement and Licensing Modernization Solution (HELMS)

Ms. Gragg updated the board on the department’s efforts to update and integrate the various programs and systems needed to perform the work within HSQA. Funding for the project was not included in the decision packet of the Governor’s supplemental budget but research and preparations are continuing with expectation that it will be included next year.

3.4. Clarification of terminology

The board discussed issues that contribute to confusion about terminology and certification. Mr. Eaton reported on his research and RCW 18-130-183’s overarching threshold statute which states, which prohibits any advertising that is false, fraudulent, or misleading. He commented that any licensee should only use specialty terms and titles for which they have received specialty training and certification.

Mr. Eaton addressed the recent inquiry about the use of the post-nominal specialty titles NMD vs. ND. The issue comes up when a practitioner has obtained a degree from another state that is specifically identified as an NMD degree and Washington State statute does not include it as an approved designation. The board considered the guideline statement presented by Mr. Eaton and requested him to do some reworking on the document based on the discussion and bring it back to the board at its May meeting.

The board invited Dr. May to raise his question on terms regarding practice designation. Where, for example, is the distinction between doctors who calls themselves a naturopathic psychiatrist and the actual practice of naturopathic psychiatry? Dr. May is concerned that if the board adopts a position that either of those should not be used, he would like to see the board provide a document that can be distributed to doctors throughout the state. His request is that the board provide a statement of clarity on the issue.

The board invited Dr. May to share the presented document to WAMP and submit comment prior to the board’s next meeting in May. Mr. Eaton was asked to address this issue in the redraft of the document.

3.5. Newsletter

The board discussed the possibility of creating a Board of Naturopathy newsletter.
Ms. Gragg presented the Podiatric Medical Board Newsletter draft as a sample to help the board consider the idea of publishing a newsletter. The board identified some goals for a newsletter to meet including:

- Providing information on what the board is doing and working on.
- Highlight disciplinary actions as an educational effort to provide guidance and reduce cases.

The board decided that the newsletter would be published two times a year. It was requested that Mr. Kelling provide a report of some past disciplinary actions and patterns that might identify helpful article topics. Mr. Williams will create a draft newsletter for the board to review at its next meeting. Dr. Prater volunteered to be on a newsletter sub-committee.

3.6. Correspondence/Inquiries
The board reviewed the correspondence received since the last meeting

3.6.1. Requests for Lists/Labels

3.6.1.a Washington State Chapter of the Alzheimer’s Association (CE)

**MOTION**: The motion was made to accept the Washington State Chapter of the Alzheimer’s Association request for Lists/Labels. The motion was seconded and approved.

3.6.1.b The CHP Group (CE)
The board directed Ms. Gragg to request The CHP Group for more information to identify their core emphasis and demonstrate their level of educational offerings. If more information is provided the request will be considered at a later meeting.

3.6.2. Is enhanced counterpulsation (ECP) within naturopathic scope of practice?
ECP is a non-invasive procedures used for improving circulation in the heart muscle for patients who suffer from stable angina pectoris. It is also used to improve cardiac function in some patients with congestive heart disease.

Mr. Eaton shared the scope of practice statement for naturopathic physician. From that he concluded that counterpulsation would qualify as manual manipulation with the stipulation that the physician is adequately trained.

Ms. Gragg presented a draft letter in response to the inquirer.

**MOTION**: The motion was made to approve the letter drafted by Ms. Graff to be sent in reply to the inquirer. The motion was seconded and unanimously approved.

3.7. Report on new process for exception applications
The board heard a report from Ms. Kitty Slater, case manager, on the new process for handling exception applications. Ms. Slater explained the new process as an effort to make
the handling of exception applications consistent across professions. Exception applications will no longer go through the program manager. A redacted spreadsheet of the exception application will be provided to the program manager and to the board. The board will determine whether to open a case or issue a credential.

4. Program Reports
4.1. Budget and fee update – Ms. Gragg presented the 2019 Biennium-T0-Date Thru Dec. 31, 2017 Board Budget Report. She confirmed that the fee increase will take effect March 1, 2018.

4.2. Statistics reports – Ms. Gragg reported the number of licensees is currently 1425 as of February 2, 2018. Currently there are 47 open cases as of February 2, 2018. It was requested that staff bring an historic summary of cases. It was requested that estimated due dates be included in cases when they are issued to board members for review. It was suggested that a month out due date be used.

4.3. Continuing education audit report – There were no continuing education audits to report. Ms. Gragg commented that audits are done on 2% of all licensees, not just the profession.

4.4. Recruitment update – Ms. Gragg recognized Dr. Hillary as newly appointed to the board. In August both Dr. Neary and Dr. Prater are coming to the end of their appointment terms. Both of them are eligible to apply for reappointment.

5. Open Forum
- Dr. May updated the board on House Bill 5369 to expand naturopathic prescription authority for schedules 3 through 5 controlled substances. He reported that the bill is dead and did not get a hearing. Efforts were made to address the legislators’ concerns through meetings with the state medical association, Representative Cody, and collaboration with the pharmacy commission to include prescription limits in the bill. It was advised to collaborate with the state medical association instead of pharmacy. It was felt that one concern was that naturopathic physicians had insufficient education to manage those substances.
- Dr. May reported that WANP has received questions asking, is there a limit on how much a physician can mark-up laboratory tests that they can order and sell through their practice? Also, are there any regulation addressing how much of a discount a doctor can offer a patient who makes payments at the time of service? No answer to either question was known.
- Dr. Aschtgen shared that he has received an inquiry of concern that other license holders are publicly dissuading individuals from getting vaccinations based on rhetoric rather than science. It was questioned whether it is a scope of practice issue. Mr. Eaton noted that it is unprofessional conduct for a physician to promote for personal gain any unnecessary or inefficacious drug, device, treatment or service. The difference here is rather than promoting something, it is talking down something that is efficacious. The challenge is putting restrictions on providing advice as an unconstitutional restriction on freedom of speech. It could possibly be an issue of standard of care.
6. Future Agenda Items
   Items to be included in the future agenda include:
   - Continued discussion on terminologies
   - The newsletter
   - A report of historic discipline cases showing topic and trend
   - Review of the Business Plan

7. Settlement Presentations
   Settlement and/or Agreed Order presentations are contingent upon agreements being reached between the parties prior to a board meeting. Decisions are made in Closed Session. There were no settlement presentations.

8. Adjournment of public meeting
   The meeting’s open public session adjourned by approved motion at 12:39 pm.