Washington State Department of Health
Board of Naturopathy
Meeting Minutes
May 17, 2019

Bastyr University
Room 133, Hemlock Room
14500 Juanita Drive NE
Kenmore, WA 98028-4966

BOARD MEMBERS
Amira Ahdut, ND, Lac
Chad Aschtgen, ND, Chair
Elizabeth Cope, ND
Joanne Hillary, ND
Dean Neary, ND, Vice Chair

STAFF PRESENT:
Susan Gragg, Interim Executive Director
Brandon Williams, Program Associate
Davis Hylkema, Program Support
Bill Kellington, Supervising Staff Attorney
Luke Eaton, AAG

OTHERS PRESENT:
Robert May, ND, WANP
Adam Geiger, ND, WANP
Katerina LaMarche, WSMA

OPEN SESSION
1. Call to Order/Introductions—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair
   The meeting was called to order at 8:45 a.m.
   1.1 Introduction of board, staff, guests, and audience
   1.2 Approval of May 17, 2019 agenda
   1.3 Approval of February 8, 2019, business meeting minutes

   MOTION: The motion was made to approve items 1.2 and 1.3. The Motion was seconded and passed.

2. Old Business
   2.1 Rules Project Update
      2.1.1 Non-surgical cosmetic procedures
      The previous CR102, filed on July 2, 2018, expired on January 15, 2019. The
      board determined to continue pursuing the proposed rule change. The rules
      documents must now be updated and submitted for internal review. Because of
      the current priority workload from the recent legislative session, it is understood
      that the department may not set a hearing on this rule until February 2020.

   MOTION: The motion was made to file a CR102 for another hearing. The
   motion was seconded and passed.
2.1.2 Continuing education – communication plan
Ms. Gragg presented a plan for communicating the new continuing education requirements. The plan identifies audiences, key messages, the best means of delivery, and a timeline.

The effective date for the new requirements is January 1, 2021. Those renewing on and after that date must meet the new requirements; meaning, they will have had to accomplish the 60 hours of CE over the course of the previous two years. This is why communicating the new requirements now is important.

2.2 Revisiting inquiry response
2.2.1 Use of Professional Titles (“NMD”)
The board received an inquiry about whether a naturopathic physician may use the post-nominal letters “NMD” to designate their professional title. While the statutes of a few states do expressly allow for the use of “NMD,” Washington law does not include it.

The board has previously prepared a notice on this topic. Under RCW 18.130.180(3) all licensees are prohibited from “all advertising that is false, fraudulent, or misleading.” The board has determined that “NMD” is not permissible as it suggests multiple credentials; i.e. a credential to practice naturopathy and a credential to practice allopathic medicine.

The board requested legal counsel to investigate whether it is within the purview of the board to issue informational notices directly to Washington licensed practitioners who are using the “NMD” designation.

2.2.2 Endocrine Dynamic Testing
The board received an inquiry about whether it is within naturopathic scope of practice to perform dynamic endocrine testing. Ms. Gragg drafted a letter in response detailing the argument that dynamic endocrine testing is within the scope of practice for naturopathic physicians. It is also noted in the response that the letter is not an endorsement for efficacy and safety of these therapies. It also emphasized that all health care practitioners should have the appropriate education and training to provide any service within their scope of practice.

MOTION: The motion was made to approve the letter of response as written. The motion was seconded and passed.

2.3 Medical Marijuana Authorization Guidelines
The board reviewed the proposed revisions to the Medical Marijuana Authorization Guidelines, which included modifications made and approved by the Washington Medical Commission. It was noted that from the recent legislative session additional revisions are expected to be made. The board deferred adoption of the guidelines to a future meeting anticipating the additional revisions.
2.4 2019 Legislative Session Review/Wrap Up
The board heard a final update on legislation that either has impact or is of interest to the profession. Highlighted were:

- Substitute House Bill 1049 concerning health care provider and health care facility whistleblower protections. The Governor signed this bill.
- Substitute House Bill 1198 requiring health care providers sanctioned for sexual misconduct to notify patients. The Governor signed this bill.
- Substitute Senate Bill 5380 concerning opioid use disorder, prevention, and related services. The Governor signed this bill.
- Substitute House Bill 1415 modifying funding of the medical marijuana authorization database. This moves the funding of the MMJ database from health professions account to a dedicated marijuana account.
- Substitute House Bill 1630 addressing the prescribing rights of naturopathic physicians. This bill did not pass the house. It is expected that the bill will come back in 2020.

3. New Business—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair
3.1 Business Plan
The 2017-2019 Business Plan was updated with current status of measure last met dates and next measure due dates. The timeline for continuing education audits was changed from “monthly” to “ongoing.”

3.2 Election of Officers
The board held the annual elections for office positions of Chair and Vice Chair. The newly elected officers will start their positions as of August 1, 2019.

MOTION: The motion was made to elect Chad Aschtgen, ND, who will continue as Chair for the next year beginning August 1, 2019. The motion was seconded and unanimously passed.

MOTION: The motion was made to elect Amira Ahdut, ND, Lac, ND, as Vice Chair for the next year beginning August 1, 2019. The motion was seconded and unanimously passed.

3.3 Next newsletter Edition
The next edition of the newsletter is scheduled to be released late summer/early autumn. The following are possible topics and articles for that edition:

- HEALWA article from Christina Pryor.
- New continuing education requirements and timing.
- Non-surgical cosmetic procedures.
- New sexual misconduct patient notification requirement.
- Safe medication return.
- Use of professional titles (“NMD”)
• Mandatory reporting information – “Remember to report”
• “I received a complaint, what do I do now?”
• Disciplinary issues and complaint trends. Scenarios with information on how to avoid problems.
• Where is your money going? A graphic presentation.
• Demographic distribution of naturopathic service coverage by county.
• Board member spotlight and recruitment.
• Budget information

3.4 Correspondence
No correspondence had been received since the last meeting.

4. Program Reports—DISCUSSION—Susan Gragg, Interim Executive Director and Program Manager; Luke Eaton, AAG Adviser
Ms. Gragg, and Mr. Eaton gave updates regarding department issues and issues specific to the naturopathic physician profession.

4.1 Budget – Revenue is increasing and expenditures are currently under budget. The department is in process of setting the 2019-2020 biennial budget and doing so under a new and more fiscally transparent and profession-responsive process.

4.2 Statistics reports – The Credential Count report shows 1468 active licensees. The Current Open Cases report shows five in assessment, nine in investigation, 20 in board member and legal review, and five pending service of legal documents, for a total of 39 active open cases.

Ms. Gragg noted that the Complete Intake Unit, which also closes out cases, currently has a very large backlog of cases to both open and close. An influx of new cases from the Intake Unit may be coming to the board soon. Mr. Kellington reported that the naturopathy board is processing cases at a comparable speed to other boards.

4.3 Continuing education audit report – Ms. Gragg provided a document showing 13 routine continuing education audit reports that have met the requirements. She will also be reviewing audits completed over the past year to see how many correlate with the new CE requirements in order to help focus communications.

4.4 Other
• Ms. Gragg reported that the University of Bridgeport in Connecticut is phasing out its school of naturopathic medicine. Students currently enrolled will be able to finish their education through Bridgeport.
• Ms. Gragg reported that the department’s HELMS project, replacing the software system that supports the health professions, has received spending authority in the new state budget. Funds for the new system will come from a surcharge added to each licensee from every profession. It is anticipated that the surcharge will be in effect over four years. The exact amount is not yet known.
4.5 Recruitment update
The board discussed its interest in increasing the total number of its members. Because there are a number of other boards wanting to add members, DOH staff are looking into presenting a package proposal to legislators in 2021 to cover all the requesting boards. The naturopathy board voiced its desire to be included in that package.

4.5.1 Professional member positions
Both Dr. Ahdut and Dr. Aschtgen have applied for reappointment to the board.

4.5.2 Executive Director position
The hiring of a new Executive Director is expected to be announced very soon.

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

- Dr. Robert May of the WANP asked for clarity regarding who could perform colon hydrotherapy. Ms. Gragg noted that there was a sunrise review on the topic that identified those practitioners who were allowed to perform it, and that it cannot be delegated to anyone who does not have that ability within their scope of practice. The sunrise review is posted in the DOH website. It was suggested that this information be included in a newsletter article.

6. Future Business—DISCUSSION—Chad Aschtgen, ND, Chair
The following agenda items were identified for future meetings:
- Board membership and public member recruitment
- Updates to Bylaws
- Determining 2020 meeting dates
- Update of signature delegation
- Discussion on regenerative medicine and articular issues

7. Settlement Presentations—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair
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—ACTION—Chad Aschtgen, ND, Chair
The meeting’s open public session adjourned by approved motion at 11:23 a.m.

Closed Session commenced at 11:45 a.m.

9. Discipline and Licensing
The board attended to licensing and disciplinary matters.
Next Meeting:

Date: August 16, 2019
Time: 8:30 a.m.
Location: Department of Health
Creekside 2 at Center Point
Suite 310, Room 307
20425 72nd Ave South
Kent, WA 98032