



Washington State Department of Health
Board of Naturopathy
Business Meeting Minutes

November 18, 2022

On Friday, November 18, 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

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

STAFF PRESENT:

Susan Gragg, Program Manager
Becky McElhiney, Program Manager
Harold Wright, Jr., Executive Director
Davis Hylkema, Program Associate
Joan Simmons, Administrative Assistant
Luke Eaton, Assistant Attorney General
Bill Kellington, Supervising Staff Attorney

GUESTS:

Adam Geiger	Grace Chang	Lorinda Sorensen
Amy Melsness	Grant Antoine	Mark Lamden
Andrea Kalus	Hannah Gordon	Melissa Johnson
Angela London	Heidi Robel	Mohammad Shegeft
Angela Ross	Jamie Doughty	Nick Spurlock
Ashley Ohlson Stramp	Jeb Shepard	Patricia Sayer
Audra Vaccarella	Jeffrey Frankel	Sarah Larson
Ben Lynch	Jennifer Lush Meyn	Selena Eon
Billie Dickinson	Karen Appel	Shannon Hirst
Brandy Webb	Kate Impastato	Susie Tracy
Carey Morris	Katina Rue	Teresa Neff
Chaiya Sherman	Kendra Bergstrom MD	Teresa Richter
Christian Dodge	Kevin Kuo	Tressa Pinkleton
Christine Bowen	Les Witherspoon	
Christopher Chambers	Leslie Emerick	

OPEN SESSION

1. **Call to Order/Introductions**

The meeting was called to order at 8:39 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 The board considered the issue of in-person versus virtual meetings as it relates to the provisions in Engrossed Substitute House Bill 1329 (ESHB 1320).

Dr. Aschtgen provided a brief overview of ESHB 1329 and board decisions in prior meetings.

Ms. Gragg shared DOH facilities are not open to hold meetings on campus and staff is exploring off campus options for the in-person meetings. She mentioned this board is not new to hybrid meetings as it has historically held hybrid meetings to facilitate board members located in eastern Washington and further areas.

MOTION: A motion was made to hold the February 2023 board meeting virtually due to the current declared federal state of emergency. The motion was seconded and passed.

- 1.3 Approval of November 18, 2022 agenda

MOTION: A motion was made to approve the November 18, 2022, agenda as amended. The motion was seconded and passed.

- 1.4 Approval of August 12, 2022 business meeting minutes

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

2. **Open Public Comment – DISCUSSION – Chad Aschtgen, ND, Chair**

Members of the public were welcomed to introduce themselves and share comments not related to an agenda item at this time.

Comments shared included:

- Jeb Shepard, Director of Policy at Washington State Medical Association, shared they acknowledge the profession of naturopathy in its place in the healthcare ecosystem. Each profession has its lane based on training and education and it is when those lines begin to become blurred that concerns are raised by their members.

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

3.1 Rule Project Updates

The board was updated on rule projects currently in progress.

3.1.1 Colon hydrotherapist implementation

Ms. Gragg shared there are currently 14 licensees. The final piece of implementation is to have the state exam contracted which is currently in

progress. A notification will be sent out in GovDelivery to announce it has been implemented.

Rule Workshops

3.2 Rule Projects

3.2.1 Non-surgical cosmetic procedures

The board reviewed a recommendation from the rule committee regarding the nonsurgical cosmetic procedure project.

Dr. Aschtgen read the summary for the rule and pointed out the proposed language.

Members of the public were welcomed to provide comments. Comments shared included:

- Christopher Chambers is opposed to the proposed change and asked the board to consider the safety of the patients.
- Andrea Kalus shared concerned with patient safety and is opposed to language.
- Katina Rue, President of WA State Medical Association, is in opposition and ask the board to rescind CR101 as it circumvents the legislative process and places patients at unnecessary risk. She respectfully requests that the board address where cosmetic use of photos fits under the umbrella of naturopathic medicine.
- Ben Lynch opposes the increase scope of practice for Naturopathic Physicians.
- Kate Impastato, WA Society of Plastic Surgeons, is in opposition and shared concern that this is not in best interest of our patients and state.
- Kendra Bergstrom, President of the Washington State Dermatologic Association, is in opposition and is concerned for patient safety.
- Tressa Pinkleton is opposed to increasing the scope of practice and shared concern of opening the profession to scrutiny.
- Angela Ross, WA Association of Naturopathic Physicians, thanked the board for the years of work spent on the issue. She also reminded the board and audience about out the Uniform Disciplinary Code.
- Amy Melsness is in support of the change and shared others in this profession in other states have this as part of their scope of practice.

After hearing comments from the public, the board held discussion.

MOTION: A motion was made to accept the rule changes as presented and to move forward with filing the CR102. The motion was seconded and passed with 4 in favor and 2 opposed.

3.2.2 WAC 246-836-080 – continuing education

The rule committee provided a report to the board in the handout regarding the continuing education project.

Dr. Aschtgen read the report provided to the board which gave the summary and background, petition, board decision, previous workshop consensus amendments, and additional committee recommendations of the rule. Following this reading, the board held a discussion.

Members of the public were welcomed to provide comments. Comments shared included:

- Angela Ross reminded the group that the board has thoroughly worked on this for years in conversation as well as researching and reaching out to other organizations.
- Hannah Gordon suggested to include NANCEAC in the discussion when we are looking into national accreditation. She is concerned that CEs are regulated by various organizations instead of it all falling under one national accrediting body.

Q&A comments received:

- Brandy Webb – Please repeat how many hours would be required in Cat 1 vs Cat 2 vs Cat 3 regarding CE? (Dr. Aschtgen provided the answers.)
- Hannah Gordon – Is NANCEAC involved with this discussion? Since they are the accrediting body for CEs? I still find it concerning that CEs are regulated by various organizations instead of it all falling under one national accrediting body. (Dr. Aschtgen addressed.)
- I love the idea of increasing quality of CEs. However, this needs to be standardized across the nation and we have an accrediting body that exists. Shouldn't NANCEAC be the organization dictating this instead of state organizations and federal organizations? (Dr. Aschtgen addressed)
- Les Witherspoon – Will the letters sent by various organizations on this, and other topics be made public? Would be helpful. Thanks. (Ms. Gragg provided the general email address for those interested to receive said information.)

MOTION: A motion was made to table WAC 246-836-080 continuing education to a future meeting to allow the board more time for discussion. The motion was seconded and passed.

3.3 Dry Needling Guideline

Mr. Eaton explained the intention of the guideline and it is not an expansion of scope. The board reviewed suggested revisions to the draft guideline clarifying the use of dry needling in naturopathic practice and made amendments.

Members of the public were welcomed to provide comments. Comments shared included:

- Chaiya Sherman, President of the Washington Acupuncture and Eastern Medicine Association, shared she is pleased to see the changes from the last meeting. Some of the comments shared are:

- She is concerned about the comment “broadly pierce or puncture the skin” in that what naturopathic students learn in school is a very different technique of doing injection therapy into trigger points and does not actually equate straight to a filiform needle nor does the training in intravenous intramuscular or subsequent injections equate to competency.
- Dry needling as proposed is acupuncture and not a separate physical modality, but a very specific technique of acupuncture.
- Appreciates removing the word “Chi” as it is considered disrespectful to their (acupuncturists) practice because it does so much more than that.
- Washington Acupuncture and Eastern Medicine Association is working towards an 800-hour requirement for non-acupuncturists to safely perform dry needling.
- Concern that the guidelines do not offer oversight for regulating practitioners and continue to keep them in practice of only trigger points.
- Would like to continue the conversation and work with the board to work on the language for naturopaths to include dry needling in their scope of practice, provided the correct and appropriate level of education and supervision for maintaining patient safety.
- Leslie Emerick, Public Policy Director for the Washington State Acupuncture and Eastern Medicine Association shared there are concerns about the level of training and are working on an 800-hour training package as this is a significant scope of practice expansion.
- Nick Spurlock expressed appreciation for Dr. Chaiya Sherman’s comments and agrees with everything she said.

MOTION: A motion was made to accept the Dry Needling Guideline as written. The motion was seconded and passed.

3.4 Reproductive health care in naturopathic practice

The board revisited an inquiry from the Washington Association of Naturopathic Physicians (WANP) regarding reproductive health care procedures in naturopathic practice.

Dr. Richardson provided a summary of WANP’s letter and shared the draft response she along with Ms. Gragg and Mr. Eaton drafted for the board to review.

The board opened comment from the Public. Comments shared included:

- Jeb Shepard – Director of Policy at Washington State Medical Association, expressed appreciation to the board for having the Attorney General (AG) review the request from WANP regarding office abortions and vasectomies. The AG’s opinion that minor office procedure does not allow naturopathic providers to perform clinic abortions is aligned with their position but is concerned with the opinion as it relates to vasectomies which is also a surgical procedure. In addition, he reminded the board the legislature holds the authority that sets the scope of practice for the profession, and they have not granted the ability to do

surgeries like the vasectomy. He urged the board to amend its position on vasectomies to align more with the section on in office abortion.

- Angela Ross – with the WANP, expressed gratitude for the work the board & Mr. Eaton did to address this letter. She requested to receive something in writing ideally with reference to all of the statutes Mr. Eaton had discussed.
- Jeffrey Frankel shared he is impressed with due diligence with the letter. Shared concern as vasectomies do not fit the minor surgical procedure.

Q&A comments received:

- Les Witherspoon asked: Could someone clarify with regards to the board's decision regarding vasectomy? It sounds as if AG said it is *not* in scope. (Dr. Aschtgen answered this question.)

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

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

4.1 COVID-19 Impact Follow-up

The board discussed any pertinent follow-up regarding the COVID-19 outbreak.

Ms. Gragg explained the rescission of Proclamation 20-32 that went into effect October 31, 2022 by the Governor. Questions regarding mask mandates have been received pertaining to healthcare and correctional facilities however the order by the Secretary of Health is not derived from the governor's emergency proclamations or start of emergency. Therefore, the Secretary of Health mask mandate will continue to be mandatory for healthcare and correctional facility settings.

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 after the October 27, 2022, the rescission date.

4.2 Health Enforcement and Licensing Management System (HELMS) Update

Ms. Gragg gave a presentation on the current state of the HELMS project.

4.3 2023 Legislative Session

The board asked for volunteers to represent the board at the 2023 Legislative update calls which are scheduled for Wednesday mornings from 8:30 to 9:00 and are typically held via Zoom. These calls are designed for DOH staff to provide legislation that has impact or may be of interest to multiple health professions. These calls are intended to solicit discussion on the draft legislation to assist DOH staff in their analysis efforts.

Drs. Richardson and Ahdut volunteered. Ms. Fotheringham volunteered to be a substitute for Dr. Richardson

4.4 Correspondence/Inquiries

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

4.4.1 Request for extension of timeframe to sit for NPLEX Part II examination

MOTION: A motion was made to approve the request for extension of timeframe to sit for NPLEX Part II examination. The motion was seconded and passed.

4.4.2 Request for list/labels from Association for the Advancement of Restorative Medicine

MOTION: A motion was made to approve the list and labels request from Association for the Advancement of Restorative Medicine. The motion was seconded and passed.

5. **Program Reports—DISCUSSION—Harold Wright, Jr., Executive Director; Susan Gragg, Program Managers; Luke Eaton, AAG Adviser**

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

5.1 Budget report

Ms. Gragg shared the budget with the board as of September 30, 2022. A fee study has determined the need for a fee reduction and is currently in the process of determining what the reduced amount will be and where the reduction will be applied to.

5.2 Statistics reports

Ms. Gragg shared there are 1634 total active licenses, 21 pending licenses, and 14 active colon hydrotherapists certifications. She also shared there are 37 active cases as of November 4, 2022. 9 are marked for closure, 4 are in Adjudication, 3 are in investigation, 1 is in assessment, 16 are in RBM/legal review, and 4 are in pending service.

5.3 Continuing education audit report

None.

5.4 Recruitment report

Ms. Gragg informed the board of current recruitment efforts, new board member; Dr. Kass, and Drs. Aschtgen & Ahdut's positions will come to the end of their second term. Recruitment for those two positions will commence in March 2023. She also announced an open public member position needs to be filled and encouraged others to apply.

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 WAC 246-836-080 continuing education

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

None.

8. **Adjournment of public meeting**

The public portion of the meeting adjourned by approved motion at 12:24 P.M.

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

9. **Discipline and Licensing**

The board attended to licensing and disciplinary matters.