

BOARD OF NATUROPATHIC MEDICINE
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF THE MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

Date: Wednesday, March 16, 2016

Time: 2:00 p.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Kevin Gibson, N.D., Chairperson
Rodney Chun, N.D., Vice Chairperson
Kathryn Taketa-Wong, N.D., Member
Constance Cabral, Executive Officer
Rodney J. Tam, Esq., Deputy Attorney General (“DAG”)
Susan Reyes, Secretary

Guest: David Kern, N.D.

Call to Order: There being a quorum present, the meeting was called to order by Chairperson Gibson at 2:08 p.m.

Additions and Revisions to the Agenda: None.

Approval of the December 16, 2015 Meeting Minutes: It was moved by Dr. Taketa-Wong, seconded by Dr. Chun, and unanimously carried to approve the December 16, 2015 meeting minutes as circulated.

The following agenda item was taken out of order.

New Business a. Certification for minor surgery

Dr. Kern advised the Board that in attempting to apply for the minor surgery examination, he was advised by the North American Board of Naturopathic Examiners (“NABNE”) that he would not be able to take it unless he took the “full board exams”. He related that he could take the clinical half of the NPLEX in order to qualify for the minor surgery examination but was reluctant to. He believed it was not the Board’s intent, when the rules were written, to require a Hawaii licensed naturopathic physician with extensive clinical experience to have to meet NABNE’s requirements, especially since the procedure involved a pellet implant.

Dr. Kern asked the Board whether “minor surgery” included procedures for a pellet implant.

After reading the definition of “minor office procedure”, Dr. Gibson noted that it did not include “incision” or “insertion” or the sewing of an incision.

Dr. Chun thought it did not include cutting, but felt that suturing was acceptable.

Dr. Gibson added that excising and biopsy were included, although Dr. Taketa-Wong believed that minor surgery included biopsies.

Executive
Session:

At 2:28 p.m., it was moved by Dr. Taketa-Wong, seconded by Dr. Chun, and unanimously carried to enter into executive session pursuant to HRS sections 92-4 and 92-5(a)(4) to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities.

EXECUTIVE SESSION

At 2:37 p.m., it was moved by Dr. Taketa-Wong, seconded by Dr. Chun, and unanimously carried to return to the open meeting. The room was reopened to the public.

It was moved by Dr. Taketa-Wong, seconded by Dr. Chun, and unanimously carried that the insertion of a pellet implant [**into the subcutaneous layer of skin?**] did not constitute a “minor office

procedure” under HRS section 455-1. As such, it was not subject to the exam requirement for minor office procedures.

Instead, it was moved by Dr. Taketa-Wong, seconded by Dr. Chun and unanimously carried to determine that a pellet implant fell within the definition of “naturopathic medicine” under HRS section 455-1; specifically, it is the administration of the naturopathic formulary and based solely on what Dr. Kern described to the Board, the subcutaneous administration of the naturopathic formulary just below the surface of the skin.

Dr. Kern was advised that this is an unofficial, nonbinding opinion issued in accordance with HAR section 16-201-90 for informational and explanatory purposes only.

Chapter 91,
HRS, Adjudicatory
Matters:

Dr. Gibson recessed the meeting at 2:40 p.m. to discuss and deliberate on the following adjudicatory matter pursuant to HRS chapter 91.

- a. In the Matter of the License to Practice Naturopathy
Ryan D. Ferchoff, N.D.; NAT 2014-2-L

After discussion, it was moved by Dr. Taketa-Wong, seconded by Dr. Chun, and unanimously carried to accept the settlement agreement as the Board’s Final Order.

Following the Board’s review, deliberation, and decision in this matter pursuant to HRS chapter 91, Dr. Gibson announced that the Board will reconvene to its regular HRS chapter 92 meeting at 2:45 p.m.

Old Business:

- a. Natural childbirth

Dr. Gibson expressed concerns regarding public safety and felt that the provisions should be vetted further by HSNP.

Dr. Taketa-Wong advised that she will ask HSNP to send the matter back to its members for comments. She advised the Board that there was a naturopathic physician who did not meet the “grandfather” clause.

She also informed the Board that Dr. Kimata requested that this matter be deferred as requirements are still being developed. Dr. Kimata will be conferring with the Board at a later date.

The DAG left the meeting at 2:53 p.m.

b. Rules revisions

A draft of the proposed administrative rules on continuing education was distributed to members for their review and comments.

Members discussed whether continuing education courses approved by other state boards and associations would be approved by the Board.

After discussion, it was moved by Dr. Taketa-Wong, seconded by Dr. Chun and unanimously carried to amend its rules to include the American Association of Naturopathic Physicians; American Medical Association; American Osteopathic Association; American Chiropractic Association; Federation of State Boards of Physical Therapy; state associations and licensing boards of the foregoing and colleges of naturopathic medicine accredited by the Council on Naturopathic Medical Education.

New Business: b. None.

Applications: None.

Correspondence: None.

Announcements: Faith Nishimura, the Board's former secretary, has been assigned to the Contractors License Board, and Susan Reyes has replaced her.

Next Meeting Wednesday, June 15, 2016
Date: 2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting was adjourned
 at 3:13 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Constance I. Cabral
Constance I. Cabral
Executive Officer

/s/ Susan A. Reyes
Susan A. Reyes
Secretary

CIC:sr

4/13/16

[] Minutes approved as is.

[X] Minutes approved with changes. See Minutes of June 15, 2016.