

**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: Friday, November 8, 2013
- Time: Immediately following the Public Hearing
- Place: King Kalakaua Conference Room  
King Kalakaua Building, 1<sup>st</sup> Floor  
335 Merchant Street  
Honolulu, Hawaii 96813
- Present: Kevin Gibson, N.D., Chairperson  
David R. Kern, N.D., Vice Chairperson  
Rodney Chun, N.D., Member  
Audrey Ng, Member  
Candace Ito, Executive Officer  
Rodney J. Tam, Deputy Attorney General ("DAG")  
Sandra Matsushima, Executive Officer  
Faith Nishimura, Secretary
- Excused: L. Martin Johnson, Psy.D., Member
- Call to Order: There being a quorum present, the meeting was called to order by Chairperson Gibson at 2:21 p.m.
- Additions and Revisions to the Agenda: It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to add (a) Subchapter 11 Standards of Practice, Care, and Ethics under Hawaii Administrative Rules.
- Approval of the August 9, 2013 Meeting Minutes: It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to approve the August 9, 2013 meeting minutes with the following amendments:
- On page 5, under Naturopathic Formulary. b. Phenylbutyrate, the sixth sentence should read as follows:
- " Potential side effects of phenylbutyrate include nausea, vomiting, and fatigue, which will dissipate with reduced dosage."

On page 6, under Naturopathic Formulary. b. Phenylbutyrate, the first paragraph, second sentence should read as follows:

"When phenylbutyrate is administered, the body converts it to an inhibitor of cancer growth".

New Business:

a. Consideration of Amendments to Chapter 16-88 Hawaii Administrative Rules

Dr. Gibson called for a discussion on the proposed rule amendments. He related that the purpose of the proposed amendments are to: (1) delete the requirement for the homeopathy examination; (2) clarify that parenteral therapy also includes various therapeutic injection techniques such as prolotherapy, trigger point injection, and plasma rich therapy; and (3) made other non-substantive changes for the purposes of style and clarity.

It was moved by Dr. Kern, seconded by Ms. Ng, and unanimously carried to adopt the rule amendments presented at the public hearing.

Dr. Chun asked how the Board made the determination to delete the requirement for the examination in homeopathy for applicants.

Executive Officer Ito related that the add-on examination in homeopathy has not been administered since February 2007. Thus, applicants who did not take the add-on examination in homeopathy prior to February 2007 are not able to meet the requirements for licensure in Hawaii unless they take the new integrated Part II of the NPLEX which includes the examination on homeopathy. The Board felt that it would be burdensome to require naturopathic physicians who already took and passed the Part II of the NPLEX, to take the new integrated Part II of the NPLEX to meet the examination on homeopathy licensing requirement. Students are examined in their courses on homeopathy as they work toward their doctor of naturopathic medicine degree. The Board believes that graduates of accredited naturopathic colleges are proficient in homeopathy. The risk of incompetence or patient injury would only be of concern if homeopathy were performed by individuals who are not graduates of accredited naturopathic colleges.

b. Legislation to include Naturopathic physicians in the definition of physician

Dr. Chun suggested that the Board consider adding "naturopathic physician" to all existing definitions of "physician" in the Hawaii Revised Statutes.

Members reviewed a list of the sections in the Hawaii Revised Statutes that define "physician".

The Executive Officer related that it does not appear that a global amendment to all definitions of "physician" is appropriate because not all of the chapters that define "physician" pertain to naturopathic physicians. For example, Hawaii Revised Statutes chapter 391 pertains to the Uniform Controlled Substance Act and naturopathic physicians are not authorized to prescribe controlled substances.

After discussion, the Board came to a consensus that adding "naturopathic physician" to all existing definitions of "physician" in the Hawaii Revised Statutes was not necessary at this time.

c. Affordable Care Act

An email dated October 18, 2013 pertaining to information that was sent to members of the Hawaii Society of Naturopathic Physicians regarding Hawaii Medical Service Association (HMSA) coverage of naturopathic medicine benefits was distributed to the Board for their information.

Unfinished  
Business:

a. Medical certificates for On-Demand Taxi drivers

At its August 9, 2013 meeting, the Board reviewed and discussed an Airport Notice dated May 1, 2013 ("Notice") from the Department of Transportation, Airports Division-Kauai District ("DOT") which requires medical certificates for on-demand taxi drivers to be from a licensed physician, which DOT defines as Doctor of Medicine (MD) and Doctor of Osteopathic Medicine (DO).

In a letter from the Board dated September 12, 2013, the DOT was informed that naturopathic physicians have the authority to perform medical examinations and evaluations. The Board requested that the DOT Airport Notice be revised to include naturopathic physicians in the definition of "licensed physician". To date, the Board has not received a response from the DOT.

After discussion, the Board felt that this is an important matter that should be addressed by the DOT. The Executive Officer will follow-up with the DOT.

Hawaii  
Administrative  
Rules:

The American Association of Naturopathic Physicians ("AANP") and the Oncology Association of Naturopathic Physicians ("OncANP") are considering adopting the Board's Standards of Practice, Care, and Ethics.

The Board's Standards of Practice, Care, and Ethics was reviewed and discussed at the AANP meeting of the House of Delegates. The Washington Association of Naturopathic Physicians ("WANP") submitted its comments and concerns in a letter dated March 1, [2]013 to the AANP House of Delegates.

Dr. Gibson noted that the letter states, "Overall, the WANP believes standards of care should be written to outline guidelines of practice while simultaneously protecting naturopathic doctors from unnecessary legal exposure, i.e., liability for not meeting these standards. In its current form, this policy is far too specific and contains language that could quite easily be used to assist the prosecution of a naturopathic doctor for failing to meet these standards."

The Board also reviewed a "Summary of Concerns outlined by Lawyer John Peick Regarding Standards of Care Document". Mr. Peick is an attorney for the WANP. Mr. Peick's summary stated, "When standards are constructed using lofty goals or ill defined (sic) thresholds, it leaves practitioners at risk that the regulators or litigants will expand these goals sufficiently broadly(sic) to ensnare the practitioner in a case of falling below the standard of care."

Based upon the above concerns that were presented to the AANP House of Delegates, the Board may consider amending its current Standards of Practice, Care, and Ethics. The Board came to a consensus to defer this matter until the above comments and concerns are addressed by the AANP House of Delegates.

Naturopathic  
Formulary:

None.

Correspondence:

- a. Naturopathic physician scope of practice

The Board reviewed and discussed an e-mail from Eric Helms, M.D., Chairman, OB/GYN Division at Hilo Medical Center regarding

whether naturopathic physicians are permitted to perform medical abortion and trial of labor after previous cesarean section in a home setting. The Board reviewed Hawaii Revised Statutes ("HRS") chapter 455 including the definition of "naturopathic medicine" in HRS section 455-1. After discussion, it was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried that based solely on the information provided in Dr. Helm's e-mail inquiry, it is the Board's informal interpretation that medical abortion does not fall within the above definition of "naturopathic medicine"; and that trial of labor after previous cesarean section in a home setting does fall within the above definition of "naturopathic medicine", and naturopathic medical colleges provide obstetrical education and training in safety and efficacy of natural childbirth subsequent to a previous cesarean section.

DAG Tam left the meeting at 3:20 p.m.

b. 2014 Board Meeting Schedule

The 2014 Board meeting schedule was distributed to the members for their information.

Applications:

a. Licensure

Jade Wimberley, N.D.

Dr. Wimberley was notified that her application was incomplete because she had not met the requirements of Hawaii Administrative Rules ("HAR") section 16-88-14.1. Dr. Wimberley requested that the Board review her application.

The Board reviewed and discussed Dr. Wimberley's application and came to a consensus that Dr. Wimberley's application is incomplete pursuant to HAR section 16-88-14.1.

b. Licensure/Authorization to administer parenteral therapy/ authorization to perform minor office procedures

Bonnie Starr Marsh

The Board reviewed and discussed Dr. Marsh's application for authorization to perform minor office procedures and related documents.

Dr. Marsh answered "yes" to the question "Has any license ever been revoked, suspended or otherwise subject to disciplinary action in any jurisdiction?"

After discussion, it was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to approve Dr. Marsh's application for authorization to perform minor office procedures; provided that Dr. Marsh shall continue to be subject to the existing conditions that have been imposed upon her naturopathic physician's license.

c. Ratifications

It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to ratify the following applications for licensure:

- Jackson, Terisa M.
- Kovaich, Jeffery S.
- Opunui, Landon K.
- Stevens, Paris T.

It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to ratify the following application for authorization to administer parenteral therapy:

- Opunui, Landon K.

It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to ratify the following applications for authorization to perform minor office procedures:

- Boyd, Sally B.
- Jackson, Terisa M.
- Stevens, Paris T.

d. Qualifying Course on Parenteral Therapy

None.

Announcements: Chairperson Gibson announced that it was Executive Officer Ito's last meeting with the Board. She will be serving as the Executive Officer for the Contractors License Board effective January 1, 2014.

Chairperson Gibson stated that Ms. Ito will be missed. She was instrumental in moving the profession forward in the passing of a naturopathic medicine modernization law and subsequent

regulations that will serve to ensure the public can receive effective naturopathic medical care in a safe manner. Members thanked Ms. Ito for all of her years of hard work serving as the executive officer for the Board.

The Executive Officer introduced Sandra Matsushima and welcomed her to the Board. Ms. Matsushima will be the Executive Officer for the Board effective January 1, 2014.

Next Meeting Friday, February 7, 2014  
Date: 2:00 p.m.  
King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting was adjourned at 3:40 p.m.

Taken and recorded by:

/s/ Faith Nishimura  
Faith Nishimura  
Secretary

Reviewed and approved by:

/s/ Candace Ito  
Candace Ito  
Executive Officer

CI:fn

12/6/13

Minutes approved as is.

Minutes approved with changes. See Minutes of \_\_\_\_\_.