

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, February 7, 2014
- Time: 2:00 p.m.
- Place: King Kalakaua Conference Room
King Kalakaua Building, 1st 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
Sandra Matsushima, Executive Officer
Candace Ito, Executive Officer
Rodney J. Tam, Deputy Attorney General ("DAG")
Faith Nishimura, Secretary
- Excused: L. Martin Johnson, Psy.D., Member
Audrey Ng, Member
- Call to Order: There being a quorum present, the meeting was called to order by Chairperson Gibson at 2:10 p.m.
- Additions and Revisions to the Agenda: It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to add (e) Legislation relating to home birth under Legislation.
- Approval of the November 8, 2013 Public Meeting Minutes: It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to approve the November 8, 2013 Public Meeting Minutes as circulated.
- Approval of the November 8, 2013 Meeting Minutes: It was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to approve the November 8, 2013 Meeting Minutes as circulated.
- New Business: None.

Unfinished
Business:

a. Medical certificates for On-Demand Taxi drivers

The Board reviewed a September 25, 2013 letter from Fawn Y.J. Yamada, Deputy Attorney General, Land/Transportation Division, indicating that their office was informed by the Airports Division-Kauai District that it will be clarifying the May 1, 2013 ("Notice") to state that a licensed physician who issues a medical certificate pursuant to section 19-38.1-6(b)(7), Hawaii Administrative Rules, includes naturopathic physicians, as defined in Chapter 455, Hawaii Revised Statutes. The September 25, 2013 letter was approved by David M. Louie, State of Hawaii Attorney General

Hawaii
Administrative
Rules:

The Executive Officer informed the Board members that the proposed amendments to Chapter 16-88 Hawaii Administrative Rules were approved by the Governor and became effective on January 17, 2014.

Legislation:

- a. Senate Bill No. 2577 Relating to Naturopathic Physicians
b. Potential continuing medical education to maintain prescriptive rights, accreditation requirements, verification by Board

Senate Bill No. 2577 requires naturopathic practitioners to fulfill the same education, examination, and training requirements as physicians or osteopathic physicians licensed under chapter 453 to qualify for prescription privileges, prior to the prescription, administration, or dispensing of any prescription medication. This measure also requires authorization from the department of commerce and consumer affairs for any naturopathic physician wishing to prescribe, administer, or dispense any item on the naturopathic formulary.

The Senate Committee on Health recommended this measure be passed with amendments on February 5, 2014. Senate Draft 1 was not available on the State Legislature website as of today's meeting.

The DCCA submitted the following comments for this measure:

"The Board supported the passage of Act 22, Special Session 2009 ("Act 22"), which permitted naturopathic physicians to prescribe, administer and dispense substances pursuant to the naturopathic formulary which is established by the Board. Naturopathic physicians have been prescribing pursuant to the naturopathic formulary, which includes legend drugs, since January 1, 2010. It is

the Board's position that naturopathic physicians are educated and trained to prescribe legend drugs and are knowledgeable about legend drugs that are consistent with the practice of naturopathic medicine. To date, the Board is not aware of any complaints pertaining to patient harm due to prescribing from the naturopathic formulary since the inception of Act 22."

Members discussed the following proposed amendments that may be included in Senate Draft 1:

- 1) Limit the naturopathic formulary to only include the first seven categories.

Dr. Gibson indicated that revisions to the formulary would only be made if there is a safety issue.

The naturopathic formulary was drafted to safely help patients transition from prescription medication to items on the formulary.

Dr. Kern stated that the Board took into consideration the appropriate actions to the practice and training applicable to the prescriptive training of naturopathic physicians.

Dr. Kern indicated that the naturopathic formulary has been developed in concert with other states that have a long history of naturopathic physician prescribing rights and a good safety record. He also indicated that the Board has not received any reports of malpractice suits and pharmaceutical safety issues.

After discussion, the Board determined that there would be no changes to the naturopathic formulary.

- 2) Require 15 hours of continuing education in pharmacology for each year.

DAG Tam suggested that the Board determine whether to perform:

- Post-renewal random audits of 100% of its licensees who renew their licenses biennially. The licensees would sign an attestation on their license renewal certifying they have met the continuing education requirements as contained in the Board's rules; or
- Pre-renewal random audit in which the Board would send letters to licensees before the online renewal process

informing them to submit continuing education documentation to the Board. These audit candidates would not be able to renew their license online.

Dr. Chun indicated that in 1987, the State of Hawaii, Office of the Auditor published a sunset evaluation. The auditor found that there is no demonstrated relationship between continuing education requirements and maintaining competency. The continuing education requirements for naturopathic physicians were repealed based upon the auditor's findings.

After discussion, it was the Board's consensus to complete 15 total hours of continuing education in pharmacology for the biennium.

3) Require prescribing NDs to report to the Board.

After discussion, the Board determined not to support any reporting as NDs are not required to be supervised.

4) Collegial relationship with a MD or DOS.

After discussion, the Board determined to not support a collegial relationship.

The Board may discuss this measure further once a Senate Draft 1 is provided.

- c. Senate Bill No. 2070 Relating to Naturopathy
- e. Legislation relating to home birth

Senate Bill No. 2070 requires naturopathic physicians to obtain a certificate of specialty practice from the board of naturopathy prior to practicing naturopathic childbirth attendance. This measure specifies requirements that must be met prior to certification.

The Board questioned whether safety issues have been identified. Members suggested that a multiple discipline task force or advisory council be established to study the issues.

After discussion, the Board indicated that it is not in the position to determine whether further regulation is required. The Board also determined that the measure is too general and vague and not specific, therefore, it needs to be studied further.

The Senate Committee on Health has scheduled a hearing on February 10, 2014. The Board will submit testimony opposing this bill. It is the Board's position that pursuant to section 455-1 and 455-8, Hawaii Revised Statutes, natural childbirth/obstetrics falls within a naturopathic physician's scope of practice. Furthermore, section 16-88-80(a)(6)(A), Hawaii Administrative Rules, requires that a naturopathic physician shall maintain proficiency and competence, and be diligent in the provision and administration of patient care. Naturopathic physicians are also required to recognize and exercise professional judgment within the limits of the naturopathic physician's qualifications, and collaborate with others, seek counsel, or make referrals as appropriate.

The Board came to a consensus that it opposes Senate Bill No. 2070 for the reasons stated above.

The Board discussed a measure establishing a home birth safety board to, among other things, set minimum educational and training requirements for the licensure of midwives.

After discussion, the Board determined that naturopathic physicians be exempt from this measure because natural childbirth/obstetrics falls within a naturopathic physician's scope of practice, pursuant to sections 455-1 and 455-8, Hawaii Revised Statutes.

DAG Tam left the meeting at 3:15 p.m.

d. Senate Bill No. 2357 Relating to Naturopathic Physicians

The purpose of this measure is to require insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations to provide coverage for health care services provided by a naturopathic physician. This measure was distributed to the members for their information.

Naturopathic Formulary:

The Board received an inquiry from Keith Kamita, Deputy Director, Department of Public Safety, regarding whether naturopathic physicians can prescribe controlled substances.

After discussion, it was moved by Dr. Kern, seconded by Dr. Chun, and unanimously carried to amend the Naturopathic Formulary by including the following language:

"Controlled substances are excluded from this formulary."

Correspondence: None.

Applications: a. Ratifications

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

- Johnson, Patricia L.

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

- Spitz, Kristen A.
- Stevens, Paris T.

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

- Opunui, Landon K.

Announcements: None.

Next Meeting Friday, May 9, 2014
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 4:00 p.m.

Taken and recorded by:

/s/ Faith Nishimura
Faith Nishimura
Secretary

Reviewed and approved by:

/s/ Sandra Matsushima
Sandra Matsushima
Executive Officer

SM:fn

3/6/14

[] Minutes approved as is.

[X] Minutes approved with changes. See Minutes of March 14, 2014.